

The  
American Historical Review

POLITICAL SCIENCE AND HISTORY<sup>1</sup>

*Mr. President, Colleagues and Guests :*

The subject assigned to me is so comprehensive, and the time allowed me in which to develop it is so short, that I can waste no words upon an introduction, or in an apology for the necessarily brief and fragmentary treatment of the theme, but must plunge at once into the midst of things.

In order to define the relation between history and political science, we must fix, with some degree of clearness and exactness, the meaning of these terms. If we can succeed in doing this the relation between the concepts which they represent will, in fact, need little further explanation.

Few persons, either professional or lay, are conscious of the difficulty of setting up the metes and bounds to the realm of knowledge designated by the name "history," until they actually undertake to do so. The proposition may even be hazarded that few persons have ever confronted themselves with this problem at all. Unfortunately for the right cultivation of historical knowledge, and the true application of historical wisdom, everybody assumes to know what history is, and to declare what it teaches. People do not dare to take such liberties with mathematics or chemistry or physics, and yet the real meaning of history is far more profound than the facts and principles of these sciences, and has been correctly apprehended by far fewer persons.

I have been a constant student of history for more than a quarter of a century, and yet I have never heard or read a definition of history, or a delimitation of the realm of knowledge which the word designates, that was satisfactory to me, and I am sure that I am unable to frame or trace any such. If I can arrive at a remote approxi-

<sup>1</sup> A paper read before the American Historical Association, December 30, 1896.

mation to anything satisfactory, either to you or to myself, it is all that I can hope for, and it is more than I expect.

I have no time for criticism upon the propositions advanced by others in regard to this subject. I will address myself, at once, to the consideration of those categories of thought which must, in my opinion, be applied in working out the true conception of history.

In the first place, the phenomena of history must be conceived under the category of time, that is, in the order of antecedent and consequent. This requirement alone, however, will not distinguish history from any other body of knowledge, not even from natural science. Anything and everything which the human mind conceives must be formed in the moulds of time. If we apply this category of thought alone to phenomena we may call the result statistics or chronology, or narrative, perhaps, but not history, nor yet even natural science.

In the second place, therefore, the phenomena of history must be conceived under the category of cause and effect. This requirement demands a much more serious and exact mental effort than the first. While, undoubtedly, great mental acumen is necessary to distinguish fact from fiction in the fleeting world of phenomena, still, much higher intellectual qualities are indispensable in correctly apprehending this most fundamental relation of cause and effect. Not yet, however, have we reached the test which distinguishes history from many other realms of knowledge. The observations and experiments of the physicists are made as rigidly subject to this logical category, in the discovery of the truths of natural science, as are the experiences of mankind, in winning an insight into the truths of history. We must, therefore, still find another form of thought, by whose applications the facts and relations which belong to history shall be separated from those which do not, and shall be made intelligible, both in themselves and in the ultimate purpose towards which they tend.

This form of thought, which furnishes, at last, the crucial test that we are seeking is, as I understand history, the category of self-progression. In nature the chain of events returns into itself; what has happened will happen again; but in history the significant thing is the increment which we discover in succeeding events. In history what has happened once in the life of a given people ought never to happen again exactly as it happened before. If it does it indicates either that where it so happens history is, as to what underlies that event at least, not being made, or that it is being unmade; and historical wisdom does not consist simply in knowing what has happened under given conditions, but also, and I may say, chiefly,

in correctly apprehending the variations, however slight, in the ever-changing conditions, and the accretions in the succeeding events produced thereby. In a word, historical wisdom is the true basis of progress, and it is comparatively worthless, is, in fact, not historical wisdom, unless it produces the spirit of true progress.

Regarding, now, phenomena from the point of view of the requirement imposed upon them by the category of self-progression, we arrive at the conclusions: first, that the substance of history is spirit, since only spirit possesses the creative power of making the consequent contain more than the antecedent, of making the effect an advance upon the cause; second, that the substance of history is human spirit, since progress can be predicated only to the finite and the imperfect; and third, that the events which are true historical facts are those creations of the human spirit which are the symbols of its advance towards its own perfection.

History, in the making, is, therefore, the progressive realization of the ideals of the human spirit in all of the objective forms of their manifestation, in language, tradition and literature, in customs, manners, laws and institutions, and in opinion and belief. And history, in the writing, is the true and faithful record of these progressive revelations of the human reason, as they mark the line and stages of advance made by the human race towards its ultimate perfection. I do not mean by this that there can be no retrogression in the experience of a given part of the human race, and no record of such a decline. Many are the races of men whose powers have been expended in the march of human progress. But the torch of history has been handed from one to another, as each exhausted bearer has ceased to be the representative of human progress. When this great catastrophe happens in the life of a portion of the human race that portion really ceases to make history; it really, thereafter, unmakes history. Its experiences, thereafter, are material for tragedy and romance, rather than for history.

Now, what is political science? Etymologically the phrase means the science of municipal government, and that was what it actually was among the classic peoples who bore the civilization of the world in the period before the Roman Empire. That period of the world's history was the period of city states, states in which all citizens participated immediately in the government. The Roman imperium inaugurated the period of country states; and the period in which we live is the period of national country states. The essential difference in principle between the country state and the city state is that the government of the country state is representative, while that of the classical city state was immediate. And the essen-

tial difference in principle between the national country state and the country state merely, is that the former is necessarily either democratic or so broadly aristocratic as to be very nearly democratic, while the latter may be either monarchic or aristocratic, but hardly democratic.

Political science in its present meaning is, therefore, the science of the national country state, and is tending to become the science of the human world state. Its problem is, therefore, something far more comprehensive than the science of immediate municipal government, or of representative municipal government, or even of government in general. The modern requirements of territorial extension, representative government and national unity have made political science not only the science of government in general, but also the science of liberty and the science of sovereignty.

Political science now consists of a doctrine of sovereignty, a doctrine of liberty and a doctrine of government. And modern constitutional law consists of a series of provisions designating the members of the sovereign body and prescribing its mode of action, defining and guaranteeing the realm of individual liberty, and constructing the organs of government and vesting in them the powers which they may lawfully exercise. In other words, constitutional law is but the more or less perfect objective realization of the doctrines of political science. Now, not only is the process of casting the principles of these doctrines or theories into the objective forms and institutions of positive law an historical process and movement, but the doctrines themselves are largely an historical product. Centuries of experience in the practices of government and the customs of liberty antedate, and lead up to, the awakening of the consciousness of the political idea. Roughly speaking, we may affirm that the formulation of the political idea, political science, was first really accomplished, in post-Roman Europe, in the seventeenth and eighteenth centuries of the Christian era. Twelve centuries, thus, of practical education in regard to the force and the freedom which society requires, in order to work out the problem of human civilization, were necessary to rouse philosophical reflection upon the political idea, the state, to the degree of clearness and distinctness which must be attained before the products of reflection can take on the form of propositions, and these propositions be arranged into a body of science. Nor was this result attained *then* perfectly and for all time. The productions of those who may, in a sense, be termed the founders of modern political science, Grotius, Pufendorf, Hobbes, Locke, Montesquieu, Rousseau and the rest, were naturally crude and fragmentary; and while their theories exercised a modifying in-



fluence upon existing political systems, they have themselves suffered changes and adjustments in the hands of the more modern publicists, as suggested by a longer and broader experience of the human race in government, law and liberty. And although political science has now approached a stage of completeness where we can speak of it as the basis of constitutional law, still its propositions are being continually modified and readjusted by new practical experiences. It is leading them at one moment, and being led by them at another, its genesis and development thus fulfilling all of the requirements of a true historical process.

But how much of history is political science, and how much of political science is history? Are the two identical; or is there some history that is not political science, and is there an element in political science which is not history? In a lecture delivered to his students in the year 1885, and recently published to the world under the editorial supervision of Professor Sidgwick, the late Professor J. R. Seeley said that history "is the name of a residuum which has been left when one group of facts after another has been taken possession of by some science; that the residuum which now exists must go the way of the rest, and that the time is not very distant when a science will take possession of the facts which are still the undisputed property of the historian;" and that the science will be political science.

Now, although this seems extravagant, yet it is much nearer the truth than most men will allow before serious reflection, because most men do not appreciate how large the body of facts belonging to political science is. Most men instinctively feel that the facts of political science are facts about government only, while, as we have seen, political science now also comprehends the facts about sovereignty and liberty.

National popular sovereignty, the basis both of government and of liberty, is the most fundamental principle of modern political science. Now the development of this principle, and its objective realization in constitutional law, is the most complex and comprehensive of all the movements of history. It involves facts about race, language, tradition, custom, literature, ethics, philosophy and religion, in addition to those more commonly considered as belonging to the exhibitions of force and power. It is nothing less than the historical evolution of a consensus of opinion among the people of a country concerning the fundamental principles of government and liberty, and the objective realization of that opinion as supreme law. Now, while no one will question that the latter part of this process exhibits facts which belong to political science, it is not so readily and in-

stinctively appreciated that the former part does also. It is, however, as strictly true in the one case as in the other. The only difference is that in the one case the facts do not belong as exclusively to political science as in the other. They are facts which are used as well by other sciences and disciplines.

Again, the constitutional liberty of the individual is a principle of modern political science of nearly equal importance with the principle of government itself. While, however, men regarded individual liberty as a body of natural rights, the facts about it were scarcely conceived as being facts of political science at all. Indeed, the doctrine of natural rights was one which made individual liberty a condition of original perfection rather than a product of history even. Here, then, is another large body of facts which has only recently been conceded to belong to political science. This body of facts makes up a very large portion of modern European and American history especially. If it belonged *exclusively* to political science the dictum of Professor Seeley would be nearer to the truth than it is. But it seems to me that it does not. It seems to me that the idea of civil or individual liberty must be distinguished into two parts. The one part is the idea of the immunity of the individual, in a certain sphere, against the force and control of government. The other part is the right of the individual to be protected in a certain sphere by government against encroachment from any other quarter. Now the first part may be fairly regarded as a principle of political science exclusively, and the facts relating to it as facts of political science mainly. But the latter part of it involves principles of private law, political economy and sociology as well, and the facts in regard to it belong as well to these bodies of knowledge as to political science. And the whole idea of liberty, as a concept of political science, must be carefully distinguished from the ethical idea of liberty, as the voluntary fulfillment of the perfect law. The two ideas are related to each other, as negative is to positive. The political idea is the prevention of force within a certain sphere of individual autonomy. The ethical idea is the voluntary conduct of the individual within that sphere according to the principles of right reason; and the immunity contained in the ethical idea is an immunity against error and sin. As the ethical idea is more and more fully realized in the conduct of men within the given sphere of individual autonomy, that sphere may be, and will be, enlarged by the state. That is, the state will do less by government and more by liberty, as it becomes manifest that immunity from compulsion is resulting in and promoting the voluntary regulation of individual conduct by the principles of right reason.

Now, therefore, while some of the facts which relate to the ethical idea of liberty are facts that must be made use of by political science, most of them are facts which more properly belong to the history of the intellectual, ethical and religious progress of man. Many of these facts have, according to Professor Seeley's view, been appropriated by psychology, ethics and theology ; and the residue may, in greater or less degree, be appropriated by political science, in so far as this has not already happened. Still, I think, from this discussion it will appear that there is a vast number of the facts of human experience which cannot be *exclusively* claimed by any science as yet developed, and which will not be rightly so claimed by political science, even under the expanded idea of that science which at present prevails. Now, this body of facts must be brought together, in order that the relations which they express may be examined from all points of view and fully comprehended ; and I do not see what designation can be given to such a body of knowledge with so much propriety as the title "history."

While, then, we concede that political science may rightfully appropriate a much larger part of history than is, at first view, usually supposed, we are not convinced that political science will, within the appreciable future, take all of history not exclusively appropriated by other sciences.

When mankind shall have reached that fulness of experience which shall enable it to become completely conscious of itself, it may then be able to turn all of its knowledge into science, and history may then be said to have done its work. But I fancy that, when that far-distant day shall have been reached and the historian shall be no longer needed, the retirement of the political scientist also will not be greatly delayed. Until then the arranging of the facts of history in the forms and conclusions of science will only lift history to a higher plane, as the experiences of mankind approach more nearly the ideals and the goal of civilization.

Lastly, there is one more question which I have posed and not yet answered, namely : Is all political science history ? or is there an element in political science which cannot be classed under that title ? I think the latter part of this question must be answered in the affirmative. Political science consists of something more than facts and logical conclusions from facts. It contains an element of philosophical speculation which, when true and correct, is the forerunner of history. When political facts and conclusions come into contact with political reason they awaken in that reason a consciousness of political ideals not yet realized. Thrown into the form of propositions these ideals become principles of political science, then

articles of political creeds, and, at last, laws and institutions. Now while this speculative element in political science must be kept in constant, truthful and vital connection with the historical component, and must be, in a certain very important sense, regulated by the historical component, it is, nevertheless, the most important element in political science, because it lights the way of progress, and directs human experience towards its ultimate purpose. It is the element most exposed to error and to fancy, but it is the only element again which mediates the adjustment of the actual to the ideal, and without it political science would not differ essentially from public law.

My conclusion is, therefore, that while there are parts of history which are not political science, and while there is an element in political science which is not strictly history, yet the two spheres so lap over one another and interpenetrate each other that they cannot be distinctly separated. Political science must be studied historically and history must be studied politically, in order to a correct comprehension of either. Separate them, and the one becomes a cripple, if not a corpse, the other a will-o'-the-wisp.

JOHN W. BURGESS.

## MARSIGLIO OF PADUA AND WILLIAM OF OCKAM

### I.

THE study of the political writings of the Middle Ages has gone on so rapidly since the appearance of Friedberg's *Die mittelalterlichen Lehren über das Verhältniss von Staat und Kirche*,<sup>1</sup> in 1869, and of Riezler's *Die literarischen Widersacher der Päpste zur Zeit Ludwig des Baiers*,<sup>2</sup> in 1874, that the complaint of Lorenz<sup>3</sup> that this literature has not been sufficiently investigated by capable men is coming to have less and less force. Not only have the political and ecclesiastical theories of the mediæval writers begun to be studied,<sup>4</sup> but their influence on each other has been taken up with considerable energy. Their ideas, which arose from the desire to define the relations between church and state, continued to influence the theoretical writers on those institutions even when the heated controversies about their relative powers had ceased because of the tacitly understood supremacy of the state. It is with this fact in his mind that Albert, in his article on Matthias Döring in the *Historisches Jahrbuch*,<sup>5</sup> says that "to trace the influence of the controversial literature of the time of Louis of Bavaria on the succeeding century would be a very useful undertaking." To go farther and trace the influence of the theorists of the conciliar movement of the fifteenth century on the reformers of the next century, of these on Althusius and Grotius, of these in turn on Hobbes and his contemporaries, and of these in their turn on Montesquieu and others of the eighteenth century, would prove yet more useful and far more interesting.

Work in this line on the period between 1300 and 1350 has already been done by Riezler. His book, however, was undertaken from the standpoint of the church and thus leaves much to be done from the point of view of political theories. Janet in his *Histoire de la Science Politique*,<sup>6</sup> and Franck in his *Les Réformateurs et Publicistes*,<sup>7</sup> pretend to give the political theories of the Middle

<sup>1</sup> *Zeitschrift f. Kirchenrecht*, ed. Dove and Friedberg, VIII. 69-137.

<sup>2</sup> Leipzig.

<sup>3</sup> *Deutschlands Geschichtsquellen im Mittelalter*, 3d ed. (1887), II. 333.

<sup>4</sup> Gierke, *Genossenschaftsrecht*, 1881, III. 502-644.

<sup>5</sup> XI. 489.

<sup>6</sup> Paris, 1887, 3d ed.

<sup>7</sup> Paris, 1884.

Ages, but they can hardly be said to have treated this period seriously or scientifically. Even Riezler's work, a fine example of historical research for the period which it covers, has become more or less antiquated through the discovery of new facts in recent researches upon the authors and writings studied by him. This is especially true of the two most important writers with whom he deals—the Italian, Marsiglio of Padua, and the Englishman, William of Ockam.

The family name of Marsiglio, which Riezler on insufficient grounds had put as Raimondini,<sup>1</sup> seems certainly to have been Maynardino. His rectorship at the University of Paris, so often mentioned, can not have begun before September 14, 1312, nor have extended beyond May 5, 1313, while there is a strong probability that it began December 16, 1312, and ended March 19, 1313.<sup>2</sup> The length of time during which he was in Paris before he was made rector cannot be ascertained with any certainty.<sup>3</sup> It is very probable that he was there several years beforehand, though it may have been less than one year.<sup>4</sup> After his rectorship he probably stayed at the university in the position of a teacher.<sup>5</sup> By a bull of October 14, 1316,

<sup>1</sup> Riezler, o. c., p. 30, accepted this name on the authority of Alberto Mussato in his *Ludovicus Bavarus* (in Boehmer's *Fontes*, I. 175), notwithstanding that all the other sources had given his family name as Maynardino or some form of that name. On the strength of two recently discovered letters of Pope John XXII. (in *Vatikanische Akten z. deut. Gesch. in der Zeit Ludwigs des Bayern*, ed. Riezler, Innsbruck, 1891, pp. 5, 66), he decides in favor of Maynardino. This explains the title of Menandrinus given to Marsiglio. Variations in the name, such as Mainardini, Marquardino, etc., are such as occur in all names at that time, e. g., Ockam, Jandum, Niem, etc.

<sup>2</sup> By the regulations in force at this time the election of rector took place four times a year (H. Denifle, *Chartularium Universitatis Parisiensis*, Paris, 1894, I. 576, II. 455). By referring to the calendar (*ibid.*, II. 709–716), and to Giry, *Manuel de Diplomatie*, Paris, 1894, it is an easy matter to calculate that the elections took place October 10 and December 16, 1312, and March 19 and June 22, 1313. For the quarter preceding October 10, 1312, we find Hermerigus rector (Denifle, II. 156). For the following quarter we have no evidence, while for the quarter between December 16, 1312, and March 19, 1313, we find Marsiglio rector (*ibid.*, 157). For the quarter between March 19 and June 22, 1313, we find a certain Nicolaus rector (*ibid.*, 169). These regulations were not always strictly adhered to. There was a reënactment of them under Marsiglio.

<sup>3</sup> Riezler, o. c., 34, thinks it was long.

<sup>4</sup> To be chosen rector at that time it was necessary to be a member of the Faculty of Arts, engaged in teaching (Denifle, I. xxvi.). This implied the degree of Master of Arts taken at the University, but to get this degree did not require any specified time of residence at the University (Bulæus, *Historia Universitatis Parisiensis*, IV. 272 ff.). Its recipient merely had to swear that he was graduated from a university having at least twelve teachers and that he had studied arts during six years (Thurot, *L'Enseignement dans l'Université de Paris au Moyen Âge*, Paris, 1850). The importance of the office (Denifle, I. 576, II. 455), makes it exceedingly unlikely that Marsiglio would have been made rector after a few years' residence.

<sup>5</sup> Additional proof of his teaching at Paris is furnished by his friend and coadjutor John of Jandum in a preface written by him in a copy of Peter of Abano's commentaries on the *Problemata Aristotelis*, which belonged to Marsiglio. The seeming original of this

he was made a canon of the church of Padua by Pope John XXII.,<sup>1</sup> and it is probable that he went to Padua at this time.<sup>2</sup> On April 5, 1318,<sup>3</sup> he was given by the same pope the right to the presentation to an ecclesiastical benefice of the bishopric of Padua. These grants<sup>4</sup> by John prove beyond a doubt that Marsiglio was a member of the secular clergy.<sup>5</sup> At some time in his life he made a visit to Rome, or Avignon, where he saw the terrible corruption of the Roman curia.<sup>6</sup> It appears that he became a bachelor or master in theology at Paris and gave lectures on theology, but this is not certain. That he was a physician and practised at Paris there is no doubt,<sup>7</sup> but at what time and where he took his degree in medicine remain uncertain.<sup>8</sup>

He began his famous *Defensor Pacis* about the end of April,

is in the Bibliothèque de l'Arsenal at Paris (MS. Latin. Cod. 723), and comes from the library of the College of Navarre, of which Jandum was a student and afterwards teacher in 1315. (Le Roux de Lincy et Tisserand, *Paris et ses Historiens*, Paris, 1867, p. 5.) After speaking of his beloved master, Marsiglio of Padua, Jandum says that he was the first among the masters teaching philosophy at Paris to receive instruction in this subject from Marsiglio.

<sup>1</sup> *Vatikan. Akten*, No. 6.

<sup>2</sup> Lorenz, o. c., II. 348, thinks that he did.

<sup>3</sup> *Vat. Akten*, No. 100.

<sup>4</sup> Denifle, o. c., II. 158, 717, denies the statements of A. Thomas, *Extraits des Archives du Vatican pour servir à l'Histoire du Moyen Âge in Mélanges d'Archéologie et d'Histoire de l'École de Rome*, 1882, pp. 446-452, and of Riezler that these grants have reference to the great Marsiglio of Padua. His grounds for denial are: (1) among the executors of the bull of October 14th there is not one who lived at Paris, where Marsiglio was at that time; (2) the name is spelled Maynardino in 1316 and Marquardino in 1318; (3) he is not called "Magister." To these objections it may be said that the continuator of William of Nangis (ed. Géraud, II. 14.) says, that Marsiglio and Jandum left Paris in 1318, is no evidence that they were there in 1316. The difference in spelling is no weighty argument when we consider the numerous ways of spelling all proper names at this time. In the bulls which we shall mention further on we shall find that Marsiglio's title of "Magister" is often omitted. On the other hand, the name Maynardino coincides with those given by the other authorities (*supra*), the letter of 1316 calls him "natus Bonmathei," while Mussato calls his father "Mattheo," and John XXII. in a bull of April 9, 1327 (Martène et Durand, *Thesaurus Novus Anecdotorum*, II. 692), says that "Marsiglio and Jandum, unmindful of and ungrateful for the benefices they have received, have adhered to Louis of Bavaria," and John therefore deprives them of their "ecclesiastical benefices and dignities." In connection with this it should be said that Jandum had been made canon of Senlis, November 13, 1316 (Thomas, l. c.). This explains what was not clear to Le Roux de Lincy (o. c., pp. 74, 78), why Jandum withdrew to Senlis in 1323 to finish his *De Laudibus Parisius*.

<sup>5</sup> Evidence as to his being a regular clergyman is untrustworthy (Riezler, p. 34).

<sup>6</sup> *Defensor Pacis* in M. Goldast, *Monarchia S. R. Imp.*, II. 274, line 44. The statement (Lorenz II. 348), that he was at Avignon cannot be drawn from this.

<sup>7</sup> Examinations of Franciscus of Venice before the inquisition court at Avignon in Baluze, *Miscellanea*, ed. Mansi, Lucca, 1761, II. 280. Inquisition on Marsiglio's book, Denifle, III. 221-227.

<sup>8</sup> Thomas's (l. c.) attempt to fix the time when he took his degree is far from convincing.



1324, and finished it June 24th of the same year.<sup>1</sup> The part that John of Jandum took in the composition of the book cannot be determined, though to all appearances it was small.<sup>2</sup> Shortly afterwards the two, probably at the invitation of Louis of Bavaria, went to his court, then at Nuremberg.<sup>3</sup> With this emperor Marsiglio remained until his death, which occurred in 1342 or before April in 1343.<sup>4</sup>

No critical study of the manuscripts or the editions of the *Defensor Pacis* has yet been made. Besides the manuscripts mentioned by Riezler,<sup>5</sup> there are six at Paris,<sup>6</sup> one at Auxerre,<sup>7</sup> one at London,<sup>8</sup> one at Cambridge,<sup>9</sup> one at Oxford,<sup>10</sup> and three at Vienna.<sup>11</sup> Adding to these the five that Riezler gives we have eighteen manuscript copies of this work. To these we may add another in the form of an Italian translation,<sup>12</sup> making in all nineteen—a number which makes Riezler's remarks about the scarcity of manuscript copies valueless.<sup>13</sup> The number of manuscripts is about equalled by the nu-

<sup>1</sup> Riezler (pp. 195 ff.) puts the limits within which the work was written too far apart. C. Müller (*Der Kampf Ludwigs des Bayern mit der römischen Kurie*, 1879-80, I. 368) discovered a manuscript in Vienna which enabled him to fix the above limits. Ritter (in *Hist. Zeitschrift*, XLII. 302) on insufficient grounds rejects Müller's conclusions. As the same writer refused to accept the limits set by Riezler (Reusch, *Theolog. Literaturblatt*, 1874, No. 24) it is difficult to see what kind of proof he wants.

<sup>2</sup> Riezler, *ibid.* Riezler is inclined to overemphasize the unity of the work. A comparison of a manuscript of the *Defensor Pacis* at Vienna, which is supposed to be the original, with Jandum's (more properly Genduno; Le Roux de Lincoy, p. 20) handwriting in *De Laudibus Parisius* might inform us whether Jandum was the copyist of Marsiglio, as Friedberg (o. c., p. 114) thinks he was.

<sup>3</sup> *Cont. of Nangis*. Riezler wrongly says that they were first condemned by the pope in 1327, and on this ground doubts that they were in Germany as early as 1324, though there is much evidence to show that they were. See below.

<sup>4</sup> Riezler, pp. 38 and 122. Scheffer-Boichorst convinced Riezler (*Jenaer Literaturzeitung*, 1874, No. 43, p. 674; *Hist. Zeitschrift*, 1878, II. p. 328) that Marsiglio did write the tract on divorce in 1342. Riezler would thus contract his old limits of October 28, 1336—April 10, 1343, for Marsiglio's death. Wurm in *Hist. Jahrbuch*, 1893, XIV. 68-69, accepts Riezler's old limits. On what grounds it is difficult to see.

<sup>5</sup> Pp. 193, 194: (1) Vienna, Haus-, Hof- und Staatsarchiv, Codex 768; 14th century MS.; (2) Vienna, Hofbibliothek or Bibliotheca Palatina, Cod. 464, cent. 14; (3) Rome, Vatican, Cod. 3974; (4) Oxford, Magdalen Coll., Cod. 86, cent. 14 (Riezler translates Wadding's abbreviation of Coll. Mag. wrongly); (5) Turin, Royal Library, Cod. 1416.

<sup>6</sup> In Bibliothèque Nat., MSS. Latin: (6) Cod. 1778, 16, cent. 14; (7) Cod. 15690, cent. 14; (8) Cod. 15869, cent. 14; (9) Cod. 14503, cent. 14; (10) Cod. 14619, cent. 15; (11) 14620, cent. 15. No. 6 comes from the Colbert Library, Nos. 7 and 8 from the Sorbonne, the last three from the Abbey of St. Victor.

<sup>7</sup> Bibliothèque de la Ville: (12) Cod. 19, cent. 14.

<sup>8</sup> British Mus. in MSS. of King's Library (ex Aedibus Jacobeis): (13) Cod. 10 A, XV., cent. 14.

<sup>9</sup> Library of Caius College: (14) Cod. 16.

<sup>10</sup> Bodleian Lib.: (15) Cod. 188, cent. 15.

<sup>11</sup> Bibl. Palat.: (16) Cod. 809, cent. 14; (17) Cod. 4516, cent. 15; (18) Cod. 5369, cent. 15.

<sup>12</sup> Florence, Bibliotheca Laurentiana: Cod. 26, cent. 15.

<sup>13</sup> O. c., pp. 173, 193. Müller in the *Göttinger Gelehrte Anzeigen* for 1883, Vol. II.,

merous editions of the book published in the sixteenth and seventeenth centuries, all of which are mentioned by Riezler.<sup>1</sup>

The other works of Marsiglio, the *De Translatione Imperii*,<sup>2</sup> probably written in 1325 or 1326,<sup>3</sup> and the *Tractatus Consultationis super Divortio Matrimonii*,<sup>4</sup> written in 1342, are of small importance and add little or nothing to the political theories which he had already expressed in the *Defensor Pacis*.<sup>5</sup>

In turning to the life and works of Ockam we find that little has been discovered since the appearance of Riezler's work.<sup>6</sup> Mr. R. L. Poole, in his admirable biography of Ockam written in 1895 for the *Dictionary of National Biography*, has summed up most of the results of recent research on his life, and Mr. A. G. Little has made a partial study of the manuscripts and editions of his works.<sup>7</sup> Of his writings a very large number deal with subjects in logic, philosophy and religious doctrine. The remainder are devoted to attacks on the papacy, and though mainly theological are partly taken up with the exposition of his political ideas. The first of his anti-papal writings appeared very probably in 1330, at the latest in 1332.<sup>8</sup> This was his celebrated *Opus nonaginta Dierum*.<sup>9</sup> This was followed by *Tractatus*

says there is a manuscript of the *Defensor* in Munich, but he is mistaken. There is a manuscript copy (17 cent.) of the 1522 edition in Hanover.

<sup>1</sup> Pp. 193, 194. In his enumeration here he does not mention the edition by Goldast, Hanover, 1613, in Vol. III. of his *Monarchiae S. Rom. Imp.*, nor the two reprints of this at Frankfort in 1621 and 1668, in which the third volume is called Vol. II. It is extremely doubtful whether the edition of Frankfort, 1492, mentioned by A. Hurant (*Thèse sur Marsile de Padoue*, Paris, 1892, p. 22, n. 1), ever existed. It is also mentioned by B. Labanca, *Marsilio da Padova*, Padua, 1882, p. 112. Müller, in *Gött. Gelehrte Anzeigen*, o. c., p. 921 n., says that this is merely the edition of 1592. Similarly doubtful is the edition of 1515, mentioned by P. J. Lelong (*Bibliothèque de la France*, Paris ed., 1768-78, I. 475), under the title of *Opus Insigne*, said to be in fol. Lelong has probably confused this with the edition of 1622.

<sup>2</sup> Goldast, II. 147-153.

<sup>3</sup> Riezler, p. 173.

<sup>4</sup> Goldast, II. 1386; Riezler, 234. For further MSS. and editions of this and the preceding work see Potthast, *Bibl. Hist. Med. Aevi*.

<sup>5</sup> Marsiglio is said to have been the author of some philosophical works. However true this may be, there is a manuscript in the Library of St. Mark, Venice (MS. Latin., Cod. 219) of the *De Reactione* of John of Marliano, in which he argues against the philosophical and other opinions of a certain Marsilius of Padua and others. In the library of Vendôme in France there is a MS. by a certain "Marsilius Paduensum," Magister, and Peter of Tusigiana; MS. Latin., Cod. 245. In a manuscript of the Bodleian Library, Cod. 188, there is a work called the *Defensor minor editus a magistro Marsilio Paduano post Defensorem majorem*. It is a manuscript of the 15th century, is bound with the original *Defensor Pacis* and Marsiglio's *De Translatione Imperii*, and begins, "Quoniam autem in prioribus recitavimus," etc.

<sup>6</sup> Pp. 241-272.

<sup>7</sup> *The Grey Friars in Oxford*, Oxford, 1892, pp. 225-234. Space prevents me from making corrections and additions on Ockam's life and works.

<sup>8</sup> Riezler, p. 243.

<sup>9</sup> Goldast, II. 993-1236.

*de Dogmatibus Johannis XXII. Papæ*<sup>1</sup> in 1333 or 1334;<sup>2</sup> *Epistola ad Fratres Minores in capitulo apud Assisim congregatos* in 1334;<sup>3</sup> *Opusculum adversus Errores Johannis XXII.* in 1335;<sup>4</sup> *Compendium Errorum Johannis XXII. Papæ* between 1335 and 1338;<sup>5</sup> *Tractatus ostendens quod Benedictus papa XII. nonnullas Johannis XXII. Hæreses amplexus est et defendit* about 1338;<sup>6</sup> *Tractatus de Potestate Imperiali* after 1339;<sup>7</sup> *Super Potestate summi Pontificis octo Quæstionum Decisiones* between 1339 and 1342;<sup>8</sup> *Tractatus de Jurisdictione Imperatoris in Causis matrimonialibus* in 1342;<sup>9</sup> *Dialogus* in 1342 or 1343;<sup>1</sup> and *De Electione Caroli IV.* at the beginning of 1348.<sup>11</sup>

Ockam's polemical activity was thus confined between the years 1330 and 1349,<sup>12</sup> and all his works on the church and the state appeared some time after the *Defensor Pacis*. Notwithstanding this fact all of the writers on Marsiglio and Ockam have up to this time declared that the former was very much influenced by the latter in his ideas of church and state.

As to the extent of this influence the various authorities differ. Riezler (p. 35) says that according to Clement VI. "it was Ockam, who was yet teaching in Paris, who exercised such a deep influence on the mind of his Italian colleague." Further on (p. 241), after remarking on the statement of Clement VI. in 1343 that Marsiglio had taken his heretical views from Ockam, he proceeds to speculate as to where this influence had been exercised. Rejecting Munich because Marsiglio had already written his *Defensor Pacis* before he met Ockam there, he decides that Ockam must have met Marsiglio

<sup>1</sup> Ibid., 740-770, thus a part of his *Dialogus*.

<sup>2</sup> Riezler, p. 244.

<sup>3</sup> MS. Lat. 3387, fols. 262-265, Bib. Nat. Paris. Selections are published by Müller in the *Ztschr. f. Kirchengesch.*, 1884, VI. 108-112.

<sup>4</sup> No edition; MS. Latin, 3387, fols. 175-214, Bibl. Nat., Paris.

<sup>5</sup> Goldast, II. 957-976; Riezler, 245.

<sup>6</sup> No edition; MS. Latin. Bibl. Nat., Paris, Cod. 3387, folios 214 verso-262; Little, o. c., 232.

<sup>7</sup> No edition; Vatican Lib., Rome. MS. Latin. Palat. Cod. 679, pt. I, fol. 117; Little, p. 232 ff.

<sup>8</sup> Goldast, II. 313-391; Riezler, p. 250; Müller, II. 88.

<sup>9</sup> Goldast, I. 21-24; Riezler, 254; Poole, *Dict. Nat. Biog.*, p. 359; Müller, o. c., II. p. 161. Some, on insufficient grounds, doubt the authenticity of this.

<sup>10</sup> Goldast, II. 399-739; Riezler, 257.

<sup>11</sup> This is the usual though not the proper title. All that we have of this tract was published by Müller under the title of *Tractat gegen die Unterwerfungsformel Clemens VI.*, Giessen, 1888. Fragments published by C. Höfler in *Aus Avignon in Abhandl. d. königl. böhm. Gesellsch. d. Wiss. v. Jena*, for 1868; Prag, 1869.

<sup>12</sup> The *Disputatio inter Militem et Clericum*, so often attributed to Ockam, is now attributed by almost all authorities to Pierre Dubois, and is said to have been written in 1302. Dorner, however, in his *Das Verhältniss von Kirche u. Staat nach Occam* in *Theolog. Stud. u. Kritiken* for 1885, p. 677, still says, although on insufficient grounds, that it belongs to Ockam. The *Defensorium contra Errores Johannis* can no longer be ascribed to Ockam; Müller, *Zt. f. Kirchengesch.*, VI. 78-82.

in Paris before the writing of the *Defensor* and must there have exercised the influence on his ideas to which Clement refers.

Poole agrees with Riezler that Paris was the place where this influence must have been exercised, and on page 264 of his *Illustrations of the History of Medieval Thought*<sup>1</sup> he goes on to say: "At that time" (hence 1312) "William of Ockam held undisputed supremacy over the minds of Parisian scholars, and it is natural to claim the English schoolman as one from whom Marsiglio derived more than the elements of his political, as of his metaphysical ideas." On page 276 he modifies this a little by adding that Marsiglio "went far ahead of his elder contemporary" and "Ockam in his turn fell strongly under the influence of the Italian speculator." On page 278, in a note, he makes a further modification when he says: "There is always a possibility that Marsiglio at an earlier time drew a good deal from Ockam; still the date of the *Defensor Pacis* furnishes a presumption of the former having a priority in his general conclusions." In his later work on Ockam<sup>2</sup> Poole is more decided. On page 357 he says: "Ockam exercised a strong influence upon Marsiglio's political speculations." A little further on he adds: "How far by this time Ockam had advanced in his political speculations need not be defined, though his influence on Marsiglio's *Defensor Pacis*, which was written while he was still at Paris, in 1324, can hardly be doubted."

Dorner<sup>3</sup> and Marcour<sup>4</sup> agree in general with these views. Müller is inclined to doubt. Silbernagl in an article in the *Historisches Jahrbuch* for 1896 on *Ockams Ansichten über Kirche und Staat* shows, against them all, that Marsiglio and Ockam have very little, if anything, in common in their ideas of church government and doctrine. In doing this Silbernagl is simply following the lead taken by Wadding<sup>5</sup> and others in the first part of the seventeenth century to prove that Ockam did not write against the faith and authority of the Roman Catholic church, and therefore was not a heretic. But Silbernagl cannot break away from the old idea that Ockam influenced Marsiglio's political ideas. On page 431 (n. 2) he says, referring to the remarks of Clement VI.: "If Clement VI. in his speech says that Marsiglio and many others received their errors from Ockam, this can only refer to the political standing of the papacy and the relation between the pope and the emperor."

<sup>1</sup> London, 1884.

<sup>2</sup> *Dict. Nat. Biog.*, 1895.

<sup>3</sup> O. c., p. 679, n. 1; p. 689, n. 5.

<sup>4</sup> *Anteil der Minoriten am Kampfe zwischen Ludwig von Bayern u. Joh. XXII.*, Emmerich, 1874, p. 30.

<sup>5</sup> *Annales Minorum*, edition by Fonseca, Rome, 1733, VII. 7, VIII. 13 ff.

Before turning to the examination of the foundation for the above statements, we may question some of the facts. There is absolutely no evidence to show that Ockam was the elder of Marsiglio, nor is there any record to show that he taught at Paris. Even if we accept the common tradition which makes him a teacher there, we have absolutely nothing to show us that he and Marsiglio were there at the same time. The supposed intimacy of Marsiglio with Ockam at Paris, or later at Munich, and the harmony which is said to have existed between Marsiglio and Jandum on the one side and the Minorites on the other are not supported by the evident anxiety which Cesena showed in declaring that he had never had anything to do with the heretic Jandum,<sup>1</sup> or by Ockam's clear implication in his *Epistola ad Fratres Minores* that he had never opposed the pope until 1328, and then only on theological and not on political grounds. It is very doubtful if Ockam would ever have opposed the pope had the question of evangelical poverty not been raised. Marsiglio's opposition, on the other hand, was purely political. It would have come whether the religious question had been raised or not. As it is, all the evidence that has been produced to show that Ockam influenced Marsiglio's ideas of church and state is the speech<sup>2</sup> of Clement VI., of July 11, 1343, directed against Louis of Bavaria and his supporter, William of Ockam. Here Clement says: "Hoc dicimus propter illum Wilhelmum Occam qui diversos errores contra potestatem et auctoritatem sancte sedis docuit et docet, et ab illo Guillelmo didicit et recepit errores ille Marsilius et multi alii."

The *errores* here referred to, which Marsiglio is accused of borrowing from Ockam, are only those made against the power and authority of the Holy See and have no reference whatever to Marsiglio's purely political ideas. The *errores*, however, may include his opinions on the church and on the relations between the church and the state. As Silbernagl has shown that Marsiglio did not borrow any of his errors on the church from Ockam, all that we need concern ourselves with here are their ideas on the relations between church and state. In this respect Marsiglio may have borrowed in any of his three works. We may at once put aside the *De Translatione Imperii*, because with few changes it is merely the *De Translatione Imperii* of Landulf of Colonna put into a new form. The same may be done with his tract on divorce. Marsiglio here shows himself more advanced than does Ockam in his tract on the same subject, although, as is natural, they have many ideas in common. If there were any borrowing, it is impossible to say which

<sup>1</sup> Preger, *Kirchenpolit. Kampf unter Ludwig*, Beilage I. p. 65.

<sup>2</sup> Printed in Höfler, o. c., p. 20.

one took his ideas from the other, because both wrote their tracts on this subject in the same year and it is not known which appeared first.<sup>1</sup> The elimination of these two works of Marsiglio leaves the *Defensor Pacis* as the only possible one in which the theories borrowed from Ockam may be found.

To find them it is necessary to compare the works of the two men. This comparison presents two great difficulties, the prolixity of Marsiglio and the obscurity of Ockam. From the unnecessary profuseness of Marsiglio, however, we are able to draw well-defined theories of the state, of the church and of their relations to each other. From Ockam, on the other hand, it is at times almost impossible to have a clear idea of his true opinions. This comes, no doubt, from his wish to be non-committal. In the prologue to his *Dialogus* the scholar especially requests the master to give all possible answers to any question he may ask, but to indicate in no way that which is his, for fear that he may be prejudiced in favor of the opinion of his master.<sup>2</sup> The method outlined in this request is one that Ockam follows more or less closely in his most important works.<sup>3</sup>

Dealing primarily with the affairs of the church, Ockam does not, like Marsiglio, devote any considerable portion of his works to the theory of the state. For this it is necessary to search among his opinions on the church and on its relations to the state. According to him all people were originally in a state of nature<sup>4</sup> and lived according to natural and divine law. Natural law<sup>5</sup> is that which coincides with natural reason, that which may exist in an ideal state, such as community of goods, and that which is discovered as reasonable under certain conditions, such as the right to have one's property protected. Divine law is that which is revealed in the Scriptures. In a state of nature and according to natural law all men were free and all property was in common.<sup>6</sup> But man fell from his state of innocence,<sup>7</sup> and for the common good of all mor-

<sup>1</sup>Müller, o.c., II. 161, on doubtful evidence takes the ground that Marsiglio wrote his tract on divorce before Ockam wrote his. As Marsiglio's was too bold Louis accepted Ockam's instead.

<sup>2</sup>Goldast, II. p. 398, line 20: "Peto enim . . . .".

<sup>3</sup>Ibid; *Octo Quaestiones*, p. 314, l. 27, "Ea propter quia sequens . . . ."; *Opus nonaginta Dierum*, p. 993, line 31, "Diligenter itaque . . . .".

<sup>4</sup>*Dialogus*, Goldast, II. 932, l. 58, "statu naturae."

<sup>5</sup>Ibid., lines 53 ff. I hesitate to say that Ockam believed in the idea of equality, for fear "civil equality" might be understood. Here are his words: "Omnes homines natura sunt pares: puta in his, quae pertinent ad corporis sustentationem, et prolis generationem, sicut de matrimonio contrahendo, vel virginitate servanda, vel aliquo huiusmodi," *Dial.*, p. 893, l. 3; "homo homini obedire non tenetur, sed soli Deo," Ibid.

<sup>6</sup>Ibid.

<sup>7</sup>Ibid., "lapsus," and *Opus nonaginta Dierum*, p. 1144, l. 20, and p. 1073, lines 2 ff.



tals it was necessary to constitute the state.<sup>1</sup> This was done by a general compact of human society;<sup>2</sup> a prince was elected, and the members bound themselves to obey him in those things which were for the common good. As much liberty was left to the individual as was consistent with the common good of all.<sup>3</sup> Thus he was not to be deprived of his life or of the liberty of his person.<sup>4</sup>

With the constitution of the state came the making of human or civil laws.<sup>5</sup> By them was instituted the right of property,<sup>6</sup> and the right of property once existing, the right to be secure in the possession of it naturally followed.<sup>7</sup> The making of laws belongs to all mortals, for that which touches all must be acted on by all.<sup>8</sup> They can, however, delegate this right to certain persons, such as the prince.<sup>9</sup> In doing this they give him only such rights as they themselves have.<sup>10</sup> If he oversteps the rights thus given, that is, if he does anything which is contrary to divine law or natural law, or the common good, men may refuse to obey.<sup>11</sup> If he tries to force them, the community may depose him<sup>12</sup> and the ordinary man may use his sword against him.<sup>13</sup>

The prince as representative of the people acts for the common good of all.<sup>14</sup> Thus it is his duty to punish delinquents acting against the laws which are for the common well-being.<sup>15</sup> He may also dispose of the property of another or collect taxes on it if this is for the common good.<sup>16</sup> In the same interest, and acting for the community, he may appoint his own successor, but in the last instance this rests with the people.<sup>17</sup> Since the state and its laws do

<sup>1</sup> *Octo Qu.*, p. 351, l. 39, and p. 352.

<sup>2</sup> "Generale pactum societatis humanæ," *Dial.*, p. 924, l. 60.

<sup>3</sup> *Ibid.*, and *Octo Qu.*, p. 386, lines 5 ff.

<sup>4</sup> *Dial.*, p. 932, l. 64.

<sup>5</sup> *Ibid.*, p. 924, l. 18.

<sup>6</sup> *Opus nonaginta Dierum*, p. 1143, l. 19 ff.; *Octo Qu.*, p. 386, l. 5 ff.

<sup>7</sup> *Dial.*, p. 932.

<sup>8</sup> "Quod omnes tangit debet tractari per omnes," *Ibid.*, 934, l. 15. Ockam borrows this from a commentary on the canon law; *Ibid.*, p. 604, l. 32 ff.; cf. A. Friedberg, *Corpus Juris Canonici*, Leipzig, 1879, I. 338, C. IV. This same principle is found in Bracton's *De Legibus* and in the summons of Edward I. to his bishops in 1295; cf. Stubbs, *Select Charters*, Oxford, 1874, p. 485, "quod omnes tangit ab omnibus approbetur."

<sup>9</sup> *Dial.*, p. 934, l. 15 ff.

<sup>10</sup> *Dial.*, p. 923, l. 25 ff.

<sup>11</sup> *Dial.*, p. 924, l. 50.

<sup>12</sup> P. 878, l. 45, and the general principle: "Omnis res per quascumque causas nascitur per easdem resolvitur." *Octo Qu.*, p. 341, l. 15.

<sup>13</sup> *Octo Qu.*, p. 385, l. 28. Compare this with Aquinas *De Regimine Principum*.

<sup>14</sup> *Dial.*, p. 902, l. 1 ff., p. 722, l. 17.

<sup>15</sup> *Octo Qu.*, p. 351, l. 35.

<sup>16</sup> *Dial.*, p. 920, l. 45, p. 921, l. 2.

<sup>17</sup> *Octo Qu.*, p. 382.



not depend on belief, it is the duty of the prince to protect unbelievers as well as believers.<sup>1</sup>

As to the form of government, Ockam prefers monarchy as that best able to keep peace in the world.<sup>2</sup> This monarchy should be elective,<sup>3</sup> and if possible should be world-wide, for unity prevents sedition and discord.<sup>4</sup> From this we can see that Ockam entertained the mediæval idea of the Empire. He saw that the "Universal Monarchy" did not exist, but he hoped that it would be realized, and believed at least that the imperial authority had been transferred legally to the Germans.<sup>5</sup> The emperor who was elected by them, or rather by their representatives, the electoral princes,<sup>6</sup> was head of the empire, as it used to exist under the Romans.<sup>7</sup> If in actual fact France and the other countries did not seem to be a part of the empire, this was not because they refused to acknowledge it, but because the emperor was ignorant of his true rights or neglected to assert them.<sup>8</sup> Thus the emperor was not doing his duty, for he should hold fast his sovereignty over all princes.<sup>9</sup> The Roman Empire was established by the consent of all the people<sup>10</sup> and it cannot be diminished or divided without the same consent.<sup>11</sup>

In stating his theory of the state Ockam followed the Scriptures very closely. Marsiglio, on the other hand, almost wholly neglects them and draws the larger part of his ideas from Aristotle's *Politics*. The state according to Marsiglio is a complete community existing for the good of the people.<sup>12</sup> It had its origin in the union of man and woman. From this union came the family, from one family came many families, then the town and then many towns. In the family had grown up certain laws and customs. As the towns increased in number there arose relations between them, and the necessity of having somebody to look after them. In these communities one man ruled because there was no great number of learned men.<sup>13</sup> But this man was no greater than the others, for one man can be prince and shepherd at the same time, like Abraham.<sup>14</sup>

<sup>1</sup> *Octo Qu.*, p. 325, p. 326.

<sup>2</sup> *Dial.*, p. 871. *Octo Qu.*, p. 350.

<sup>3</sup> *Dial.*, pp. 871 ff.

<sup>4</sup> *Ibid.*

<sup>5</sup> *Octo Qu.*, p. 366 ff. *Dial.*, p. 899 ff.

<sup>6</sup> *Dial.*, pp. 899 ff.

<sup>7</sup> *Ibid.* and *Octo Qu.*, p. 382, l. 30 ff.

<sup>8</sup> *Dial.*, p. 908.

<sup>9</sup> *Ibid.*, l. 41.

<sup>10</sup> *Ibid.*, p. 902, l. 1 ff.

<sup>11</sup> *Ibid.*, l. 12.

<sup>12</sup> *Def. Pacis* in Goldast, II. 157, l. 45 ff.

<sup>13</sup> *Ibid.*, l. 2 ff.

<sup>14</sup> *Ibid.*, l. 33.

The prince was put at the head through the act of election by the community of the people, and all the authority that he has he receives from them.<sup>1</sup> They as the supreme power in the state make all the laws.<sup>2</sup> If there is a dispute the majority rules.<sup>3</sup> Minors, slaves, foreigners and women are not allowed to form a part of the assembly or lawmaking body. In this body every man has the right of proposing a law. If this proves impracticable the assembly may elect a body of wise men whose duty it shall be to prepare the laws and lay them before the assembly for its discussion and approval.<sup>4</sup>

The prince or governor, as representative of the community, is only the executive instrument of the lawgiving body.<sup>5</sup> He must use his authority in ways prescribed by law and through officers chosen by the lawgiver. Thus a prince may have the general supervision over the number of people to be allowed to enter a certain class in the state, but it belongs to the lawgiver to decide what that number shall be, and what shall be the duties of the executive and of the judicial powers in a state.<sup>6</sup> To enforce the laws and to see justice done the prince must have coercive power in the form of a small number of armed men. The number must be large enough to compel one or several citizens to do their duty, but yet not large enough to permit the prince to become despotic.<sup>7</sup> If the prince oversteps his powers or disobeys the laws he can be punished and deposed by the lawgiver. Small offences must be passed over. At the same time the faults by which he is likely to render himself liable to deposition should be defined as thoroughly as possible.<sup>8</sup>

Marsiglio prefers monarchy to other forms of government, because under one ruling power peace is more likely to prevail than under several. Of the different kinds of monarchies he prefers the elective monarchy, because the reason why one should be prince is not relationship to his predecessor (through which there is a similarity of body rather than mind), but a perfect character.<sup>9</sup> Of the efficacy of a universal monarchy he is in doubt,<sup>10</sup> though he shows elsewhere that he had the common conception of the translation of the Empire from the Romans to the Germans.<sup>11</sup>

Marsiglio has a well-defined idea of toleration for, according to him, no one, not even a believer, much less an unbeliever, can be compelled by the church to follow the precepts of evangelical law.<sup>12</sup>

<sup>1</sup> P. 175, l. 32.

<sup>2</sup> P. 169, l. 56.

<sup>3</sup> Ibid., ff.

<sup>4</sup> Pp. 171-173, l. 10.

<sup>5</sup> P. 175, l. 63.

<sup>6</sup> Pp. 176, 177; p. 167, l. 25.

<sup>7</sup> P. 174, l. 45 ff.

<sup>8</sup> P. 185, l. 20 ff.

<sup>9</sup> P. 182, l. 17 ff.

<sup>10</sup> P. 184, l. 12 ff.

<sup>11</sup> *De Translatione Imperii*.

<sup>12</sup> P. 213, l. 45; p. 217, l. 33.

Marsiglio's idea of toleration differs from Ockam's, inasmuch as it not only suggests protection to both unbelievers and believers, but also disapproves and prohibits the punishment of heretics, unless heresy is against the laws of the state. He does not say that the state ought not to make laws against heresy, although he implies it. But it is unnecessary to state the differences between the theories of Ockam and those of Marsiglio. It will easily be seen that they have almost nothing in common. Ockam had no clear idea of toleration. His theory of the right of revolution, which is very similar to that of Aquinas, makes every man his own judge in regard to the wrong-doings of the prince, and thus makes the existence of the state precarious. The only ideas which the two men had in common were those concerning the Empire. Marsiglio drew his theories on this subject from Landulf of Colonna, while Ockam seems to have followed very closely the *De Monarchia* of Dante. Marsiglio, like Ockam, believed in the fiction which made the electoral princes representatives of the people.<sup>1</sup>

In their ideas of the church, as in those of the state, the two men had very little in common, as Silbernagl has well proved. The same may be said in regard to their theories on the relations of church and state. About these two institutions Ockam adopts a theory similar to that of Dante. The two bodies exist side by side, each doing good for the community in its own proper sphere. Religion in itself is higher than mere earthly things<sup>2</sup> and in this respect the state and church may be compared to body and soul, the pope and the emperor to the sun and the moon,<sup>3</sup> or to father and son.<sup>4</sup> Each has relations to the other, but each must be given its own proper functions. The emperor is supreme in temporal affairs and the pope in spiritual, and as a general rule neither must interfere with the other. In exceptional cases, however, each may interfere in the domain of the other. This is because both are representatives of the people and each may see to it that the other is doing his duty towards the common weal.<sup>5</sup>

Thus the emperor may interfere in and carry out the election of the pope if the cardinals are heretical.<sup>6</sup> To do this, however, the emperor must be a Christian and Catholic prince and not himself a heretic.<sup>7</sup> If the pope is guilty of heresy, and remains incorrigible

<sup>1</sup> *Def. Pacis*, p. 282, l. 50; p. 281, l. 58.

<sup>2</sup> *Dial.*, p. 893, l. 58. *Octo Qu.* p. 331, ll. 10-20.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Octo Qu.*, p. 344, l. 43 ff.

<sup>5</sup> *Ibid.*

<sup>6</sup> *Dial.*, p. 955, l. 24 ff.

<sup>7</sup> *Ibid.*, p. 931, l. 30 ff. and p. 932.

and refuses to permit an inquisition of his opinions to be held, and if in such a case the ecclesiastical authority refuses to take action, the emperor, be he heretic or not, may depose him.<sup>1</sup> For a Christian prince should look after the spiritual welfare of his people,<sup>2</sup> but even an unbelieving prince may interfere in ecclesiastical affairs in so far as they touch the well-being of the state.<sup>3</sup> In accordance with this same principle the pope, like any other ecclesiastic, must undergo trial before a secular court if he commits a temporal crime.<sup>4</sup> All worldly affairs of spiritual persons come properly before the temporal judge.<sup>5</sup> Thus disputes between laymen and clerks must be decided in lay courts. The lands and property of the church, inasmuch as they are temporalities, can be taxed by the state and must also be protected by the state.<sup>6</sup> Gifts, therefore, which are made to the church do not pass from under state supervision, for the emperor has the right to tax them and to see that the intentions of the giver are carried out.<sup>7</sup> If the pope or the clergy offer any resistance to the interference of the emperor or the state in those affairs of the church in which they are justly entitled to interfere, force may be employed against them.<sup>8</sup>

Likewise the pope in numerous cases may interfere with the emperor and the affairs of the state. If there is a vacancy in the imperial succession, the pope as representative of the Romans may act as vicar, if there is no one else to do so.<sup>9</sup> In the election of emperor the pope has nothing to say, but he may go through the mere ceremony of anointing and crowning him.<sup>10</sup> If the emperor or his officers do not give justice in temporal affairs, and no one else can or will force them, the pope in his capacity of a citizen and as representative of the people may interfere in the temporal courts and may depose the unjust emperor.<sup>11</sup> If temporal laws and customs are against the well-being of believers, the pope can set them aside.<sup>12</sup> He may also relieve the vassals of the emperor from their oaths, if he can show good reasons why they should keep them no longer.<sup>13</sup> His

<sup>1</sup> *Ibid.*, p. 557, l. 55 ff.; pp. 558, 559 and 561, l. 5 ff.; p. 626, l. 50 ff.

<sup>2</sup> *Octo Qu.*, p. 354, l. 6.

<sup>3</sup> *Dial.*, p. 893, l. 58 ff.

<sup>4</sup> *Octo Qu.*, pp. 332, 333, l. 26 ff.

<sup>5</sup> *Dial.*, pp. 511, 887, 956.

<sup>6</sup> *Octo Qu.*, p. 343, l. 58 ff.; p. 347, l. 60 ff.; *Dial.*, p. 901, line 1 ff.

<sup>7</sup> *Octo Qu.*, p. 343, l. 58 ff.

<sup>8</sup> *Dial.*, p. 558.

<sup>9</sup> *Octo Qu.*, p. 344, l. 62.

<sup>10</sup> *Ibid.*, p. 365, l. 50 ff.; p. 370, l. 17 ff. *Dial.*, p. 925, l. 50 ff.

<sup>11</sup> *Octo Qu.*, p. 327, l. 40; p. 328, l. 40 ff. *Dial.*, p. 908, l. 31 ff.

<sup>12</sup> *Octo Qu.*, pp. 347, 356.

<sup>13</sup> *Dial.*, p. 890.

interference in temporal matters, however, must not be by force of arms, but by teaching and instruction.<sup>1</sup>

The pope and the emperor must each be careful not to overstep their rights in interfering in the domain of the other. Because the pope may have had, and may receive by delegation from the people, the right of electing the emperor on one occasion, he must not think that he is always to have the right.<sup>2</sup> As a priest he must exhort men to obedience, but he must not try to force them.<sup>3</sup> So the prince, who has control over marriage as a partly human institution, must not forget that it is necessary to conform with divine law in this regard.<sup>4</sup> Though he may interfere in church matters as far as they touch temporal interests, he must remember that he has no rights over purely divine institutions such as ordination,<sup>5</sup> and that in spiritual things he owes obedience to the pope.<sup>6</sup>

Ockam's ideas on the relations of church and state become clear if we regard the whole of society as forming two different institutions at different times. To deal with purely earthly matters the whole society becomes a lawgiving body which elects its officers and is what is ordinarily called the state. To deal with spiritual matters the same society becomes a congregation of the faithful, the men who have been officers of the state drop back to their positions of ordinary members of the congregation, and new officers are elected to guide society in its capacity as the church. When society turns to deal with temporal affairs again, the old officers assume power and the officers of society acting as the church return to their positions as subjects and citizens.

Wholly different from this was Marsiglio's idea of church and state. The supreme institution in the world according to him is the state. The state has for itself two duties, one to care for man's well-being in this world, the other to care for his well-being in the next.<sup>7</sup> For the purpose of fulfilling this latter duty the state constituted the class of priests in the same manner that it had constituted the other classes, such as the builders, handiworkers and others.<sup>8</sup> As it can regulate and decide on the number and organization of these<sup>9</sup> classes, so it can determine the number of priests and prescribe the laws for the organization of the priesthood.<sup>10</sup>

<sup>1</sup> *Dial.*, p. 914, l. 18 ff.

<sup>2</sup> *Dial.*, p. 902, l. 47 ff.

<sup>3</sup> *Ibid.*, p. 929, l. 54 ff.

<sup>4</sup> *Ibid.*, pp. 887-888 and p. 893, l. 58 ff.

<sup>5</sup> *Def. Pacis*, p. 158 (wrongly printed 168), l. 23 ff.

<sup>6</sup> *Ibid.*, l. 45 ff.; p. 160, l. 3 ff.; p. 238, l. 43 ff.

<sup>7</sup> P. 177, 12 ff.; p. 213, l. 2.

<sup>8</sup> P. 249, l. 58 ff.

<sup>9</sup> *Octo Qu.*, p. 349.

<sup>10</sup> *Dial.*, p. 915, l. 30.

All priests are equal in power.<sup>1</sup> For reasons of unity and convenience in church organization it may be useful to have one man at the head, such as the pope, with the others under him.<sup>2</sup> But the pope and the bishop have power over the ordinary priest only by virtue of gift from the temporal lawgiver, or its representative, the prince.<sup>3</sup> What the lawgiver has granted, he may also strictly control and may even take away.<sup>4</sup> Thus the legislator shall decide whether a man is qualified for the office of a churchman or not, and what the mode of election and installation of bishops shall be.<sup>5</sup> No bishop, priest or college of priests can come to any church living or office without the consent of the lawgiver or its representative, the prince.<sup>6</sup> To the same body or person belongs the right of urging a priest to his duty,<sup>7</sup> and in case of necessity, of depriving him of his office.<sup>8</sup>

The priesthood so constituted and regulated must teach men the Gospel so as to lead them to future life.<sup>9</sup> In cases of doubt as to the meaning of the Gospel, it is the duty of the lawgiver, or its representative, the prince, to call a general council of all the faithful, or their plenipotentiaries, to decide on the disputed point.<sup>10</sup> The council shall consist of laity as well as clergy, and the prince as representative of the lawgiver shall preside and shall punish the transgressors of its decisions, in so far of course as these transgressions are against temporal law.<sup>11</sup> For not every one who sins against divine laws can be punished by the temporal judge, because very often that which is wrong according to heavenly laws is not against the earthly laws.<sup>12</sup> In common with the lawgiver the general council exercises control over the excommunication of laymen and clergymen and over the administration of church property.<sup>13</sup> If a chief head of the church exists it will be his duty to inform the lawgiver when it is necessary to call a general council. He must then preside at the meetings instead of the prince, must publish the decisions, and must punish transgressors with spiritual censure, but further than this he has no

<sup>1</sup> P. 241, l. 36.

<sup>2</sup> P. 264, l. 39.

<sup>3</sup> P. 263, l. 59.

<sup>4</sup> P. 204, l. 44.

<sup>5</sup> Ibid.

<sup>6</sup> P. 261, l. 60 ff.

<sup>10</sup> P. 261, l. 30. Marsiglio and Ockam agree in general on the council of the faithful. Both give representation to the laity—Ockam even to women. Marsiglio makes it more largely a secular institution than Ockam, because he puts the initiative with the prince. Compare with *Dial.*, pp. 604, 605.

<sup>11</sup> P. 258, l. 55; p. 256, l. 55; p. 253.

<sup>12</sup> P. 217, l. 33 ff.

<sup>13</sup> P. 261, l. 11 ff., l. 40 ff.

<sup>5</sup> P. 249, l. 53; p. 250, l. 5.

<sup>6</sup> P. 251, l. 2, ff.

<sup>7</sup> P. 248, l. 25.

right to go.<sup>1</sup> If he does so, the state or its representative, the prince, or a general council may depose him.<sup>2</sup>

Marsiglio recognizes no rights of the clergy over the prince. The very nature of the priestly office prevents spiritual persons from interfering in temporal affairs. The pope has absolutely no voice in the election of the prince or emperor.<sup>3</sup> Ecclesiastics are subject to the coercive power of the state,<sup>4</sup> but they can exercise no such power themselves.<sup>5</sup> No priest or bishop can ever absolve a subject from his oath of allegiance.<sup>6</sup> If a prince is despotic and tyrannical, it belongs to the laity and not to the clergy to correct him.

Though Marsiglio's theories on the church and the state seem entirely contrary to the histories of those two institutions, he readily believed that his ideas agreed with the facts. With the purpose of showing their agreement he devoted a considerable portion of his work to tracing the origin and history of the church.<sup>7</sup> As regards the state, he must have seen that, as it existed when he wrote, it was nowise like his ideas of it, and yet he tried to harmonize the Empire of the Middle Ages with his theories of the state.

He has been accused, and justly, of using Aristotle too freely. As an Italian Marsiglio was more or less familiar with the city republics of his country, and it was natural to adopt Aristotle's idea of the city-state. It was in the application of Aristotle's theories to the conditions of the mediæval church and state that Marsiglio's originality lay. As Riezler very happily puts it: "On borrowed foundations he erected a new structure."

As Marsiglio borrowed from Aristotle, so Ockam borrowed from the Bible. The Middle Ages were not noted for originality of conception, and neither of these men was an exception to the rule. Taking their ideas from different sources, however, their theories of church and state are totally different. It cannot be denied that in many minor points, such as the control over excommunication, they are in agreement.<sup>8</sup> In the essential, in the foundations of their theories, they are opposed. It is thus with their ideas of the origin of

<sup>1</sup> P. 264, l. 39.

<sup>3</sup> P. 282.

<sup>2</sup> Ibid. and p. 312, l. 30.

<sup>4</sup> P. 211.

<sup>5</sup> P. 217, 242. It is hardly surprising that L. E. Du Pin, in his *Hist. Eccles.*, Paris, 1726, *sub anno* 1328, thinks that Marsiglio was right in attacking the corruptions of the church, but went altogether too far.

<sup>6</sup> P. 285.

<sup>7</sup> Book II., chapters 18, 22, 25.

<sup>8</sup> *Def. Pacis*, p. 261, l. 11. *Dial.*, p. 484, l. 40 ff. Numerous minor points could be mentioned on which they are in agreement, such as the taxation of Church property, the constitution and powers of a general council, etc. Many could also be shown in which they disagreed, such as the determination of the number of priests allowed to enter the priesthood, the power over the oaths of allegiance, etc. Such cases of agreement are inevitable. It has been our object here to bring out only the important points.



the state, of the right to depose the prince, and of the right of the head of the church to interfere in the government of the state. So entirely opposed are the theories of the two men, so totally different are their conceptions of the church and the state that it is difficult to see on what grounds Clement VI. accused Marsiglio of borrowing from Ockam. An accusation made with so little foundation is open to suspicion and leads us to question not only the authority of Clement, but also the nature of the speech in which the accusation is contained.

When Clement made his speech of July 11, 1343, Marsiglio was already dead. As he was desirous of making his charges against Ockam as strong as possible, nothing was more natural than that he, regardless of the truth of the matter, should make Ockam responsible for the errors of the "worst of heretics."<sup>1</sup> After the same manner and with just as little foundation, Gregory XI. accused Wiclif of borrowing his heretical ideas from Marsiglio,<sup>2</sup> and Albert Pighio accused Luther of doing the same.<sup>3</sup> Pighio, looking on Marsiglio as the representative of direst heresy, accused him of having a companion in the person of Ockam.<sup>4</sup> In addition to this we have a bull of January 21, 1331,<sup>5</sup> by John XXII. in direct conflict with the words of his successor Clement. Here John accuses the Minorites, among whom Raynaldus puts Cesena, Ockam and Bonagratia, of borrowing the heresies of Marsiglio, which had already been condemned by a bull of October 23, 1327.<sup>6</sup> Among these borrowed heresies is the opinion that "the emperor can depose the pope," of which Cesena, Ockam and others were accused in a bull of January 4, 1331.<sup>7</sup> In face of such contradictory evidence Clement's statement is of very little value.<sup>8</sup>

JAMES SULLIVAN.

(To be continued.)

<sup>1</sup> Speech of April 10, 1343, in Höfler, o. c., p. 20.

<sup>2</sup> Walsingham, *Historia Anglicana*, I. 345 ff., edition of 1863, Rolls Series. Rashdall, *Universities in the Middle Ages*, 1895, II. 540, n. i., says these were Ockam's theories which Gregory condemned because Marsiglio and Jandum were Ockam's disciples." (?)

<sup>3</sup> *Hierarchia ecclesiastica Assertio*, fol. 239 v<sup>o</sup>., ed. 1544, Cologne, and p. 4 of the *Epistola Nuncupatoria*.

<sup>4</sup> *Ibid.*, fol. 301.

<sup>5</sup> Raynaldus, *Annales Eccles.*, ed. Mansi, Lucca, 1750, V. 24, sub anno 1331, §§ I., II.

<sup>6</sup> Martène et Durand, o. c., II. 704.

<sup>7</sup> Martène et Durand, o. c., II. 828.

<sup>8</sup> Articles on Ockam in the *Amer. Church Rev.*, 1873, and on "Ockam and the English Reformation" in the *British Quarterly Rev.*, 1872, I have been unable to consult.

## DIPLOMATIC MISSIONS TO THE COURT OF CHINA

### THE KOTOW QUESTION.

#### I.

THROUGHOUT the East and, in fact, the world over until comparatively recent times, embassies were only sent by weaker powers to mightier ones, to crave protection, to solicit trading privileges, to ask assistance against enemies, or to bring the gifts due to a sovereign from a vassal or tributary state. This is well pointed out by La Loubère :<sup>1</sup> "An ambassador throughout the Orient," he says, "is nothing but a king's messenger ; he does not represent his master. The honors shown him are but slight compared to the marks of respect shown the letter of credence he bears. . . . So any man who is the bearer of a king's letter is considered an ambassador throughout the East. Thus when the Persian ambassador, whom Mons. de Chaumont left in Siam, died at Tenasserim, the servants having chosen one of their number to take to the King of Siam the letter of the King of Persia, he who was thus chosen was received without other credentials, as would have been the real ambassador, and with the same honors as previously the King of Persia had shown the ambassador of Siam.

"But that in particular in which they treat an ambassador as a simple messenger is that the King of Siam in the audience of leave gives him a receipt for the letter he has received from him ; and if this prince sends answer he does not give it to him, but sends with him his own ambassadors to carry it."

Napoleon I. professed nearly the Asiatic theory on this point when he said that "Ambassadors are not equal to, nor do they represent their sovereigns ; sovereigns have never treated them as equals. The false idea that they represent their sovereigns is a tradition of the feudal customs, under which a great vassal at the rendering of homage was represented by an ambassador who received the same honors due his master."<sup>2</sup>

<sup>1</sup> *Description du Royaume de Siam*, I. 327-329.

<sup>2</sup> Barry O'Meara, *Napoleon in Exile*, II. 112. Pradier Fodéré, *Cours de Droit diplomatique*, I. 272, says, "Observons toutefois que la représentation n'est pas complète, car, quelque honneur qu'on rende à un ambassadeur, on ne peut jamais le traiter comme on traiterait un souverain en personne."

It is not surprising to find that throughout the history of the intercourse of the West with the East, there should have been constant misunderstanding on the part of the Orientals as to the intention of the princes whose ambassadors they were receiving, and the duties of the envoys themselves, especially in regard to performing the prostrations prescribed by Oriental etiquette, but which for centuries past had been reserved in Europe for the divinity alone. Notwithstanding these oriental views, which must have been well known to the Western world from the earliest periods, mission to the court of the ruler of China followed mission from the thirteenth to the present century, and on nearly every occasion the envoys were slighted, to their minds at least, and their master's intentions misinterpreted. China, in fact, has only realized within the last fifty years that the old theory concerning embassies and foreign envoys was no longer tenable, in all its force, and it is only since 1873 that foreign envoys have been received as the representatives of independent sovereigns and the prostration or *ko-t'ou* before the Emperor has been dispensed with in their case. It is my purpose in the following paper to show some of the phases of this long and hard-fought battle between Oriental and Western etiquette, which is still far from being decided in some corners of the world.<sup>1</sup>

Cornelius Nepos, referring to the visit of Themistocles to the court of Susa, says that though many Greeks had gone to the Persian court, very few had ever submitted to the ceremonials practised there. Thus when Conon was sent to Artaxerxes, he was told that unless he did homage to the King by prostrating himself before him he could not be granted an audience, and must communicate with him in writing. Conon, we are told, replied, "So far as I am personally concerned I see nothing very serious in this method of doing honor to the King, but I fear it will be a reproach to my country, if, when I am sent as an envoy by a state which is used to command others, I conduct myself after the usage of foreign nations rather than my own," and he transacted his business with the King in writing.<sup>2</sup>

A still more striking instance of courage in refusing to comply with the ceremonial of the Persian court is told by Herodotus.<sup>3</sup> Xerxes had sent two heralds to Sparta to demand of it earth and

<sup>1</sup> In Morocco, for instance. In 1894, when Mr. Ernest M. Satow, H.B.M. Minister to Morocco, was accorded an audience at Fez, he stood bareheaded while addressing the Sultan, who was on horseback, and he had to treat the viziers with similar deference. Until within the last few years the French Minister has had to submit to the same humiliating etiquette. See *Imperial and Asiatic Quarterly Review*, 1895, 62.

<sup>2</sup> Corn. Nepos, *Conon*, c. III.

<sup>3</sup> Rawlinson's trans., VII. 134-136.

water in token of its submission to the great King, but they were thrown into a well and told to take therefrom earth and water for themselves and carry it to their King. But the Spartans shortly after repented of this deed and made proclamation through the town. "Was any Lacedæmonian willing to give his life for Sparta?" Upon this two Spartans, Sperthias and Bulis, offered themselves as an atonement to Xerxes for the murder of his heralds. When they had come into the King's presence at Susa they were ordered to prostrate themselves before him. Though the guards tried to force them, yet they refused, saying that they would never do such a thing, even were their heads thrust down to the ground; it was not their custom to worship men and they had not come to Persia for that purpose.

When Alexander became King of Persia he adopted at his court the ceremonial of that country and would have himself worshipped, not only in Asia, but even in Macedonia. His claim to divinity and his demand for oriental obeisances from his subjects were met with ill-disguised scorn and anger by all Greeks and many of the foremost among them, as Callisthenes, refused to perform the, to them, humiliating prostration.<sup>1</sup>

Among the few Greeks who visited the court of Persia and who prostrated themselves before the King we find Timagoras, who was sent on a mission to Darius and was punished with death on his return to Athens for having humbled his country by this slavish act, and Themistocles, who, when seeking a refuge at the court of Artaxerxes, saw nothing debasing in complying with the usages of the Persian court, much to the astonishment of the officer who first told him of the imperative necessity of his prostrating himself before the King.<sup>2</sup>

Though, according to certain writers, no mention is found of persons prostrating themselves on their faces before the sovereigns of early China, still I am inclined to think that this custom must have existed in some form in that country from the earliest and least civilized periods, as it certainly did in India centuries before our era. However this may be, we do not hear of any difficulties having been raised against performing the prostrations required by the ceremonial usages of the court of China by any of the foreign missions sent there from the West until the eighth century of our era, when an envoy from the Calif Walid came, about the year 713, to offer presents to the Emperor Yuan-tsung of the T'ang. He asked to be exempted from prostrating himself at the audience with

<sup>1</sup> Arrian, *Exp. Alex.*, IV. 10-12.

<sup>2</sup> Plutarch, *Themistocles*, XXVII.

the Emperor, saying: "In my country we only bow to God, never to a Prince." He was at once handed over to the tribunals as worthy of death for seeking to commit an unpardonable breach of the usages of the country, but the Emperor graciously pardoned him at the intercession of one of his ministers, who said that a difference in the court etiquette of foreign countries ought not to be considered a crime.<sup>1</sup> The envoys of Harun-el-rashid to the Emperor Tē-tsung of the T'ang, who visited China in 798, went through the ceremony, apparently without protest, and were treated with the greatest distinction and consideration.

With the spread of Mongol power in western Asia, the relation between Europe and the masters of China became quite intimate, and numerous missions were sent to China by European potentates. In 1245 Pope Innocent IV. sent two embassies to the Tartars exhorting them to embrace the Christian faith. The one under friar Ascelin went to the camp of Batu somewhere in Armenia or Persia. From the first the envoy and the Mongols misunderstood each other. They asked Ascelin if he was not aware that the great Emperor of the Mongols, their Khakhan, was the Son of Heaven, the usual Chinese name for Emperor, to which the friar undiplomatically answered "no," adding that the Pope was the highest of all human sovereigns.<sup>2</sup> This naturally irritated the Mongols, and when they asked him what presents he brought and he replied "none," they were enraged. To cap the climax, Ascelin refused to prostrate himself before Batu, and the suggestion was promptly made to flay the insolent friar, stuff his skin with straw and send it back to those who had sent him. He was, however, saved by the intercession of the wife of the chief, and ultimately sent home with two Mongol envoys bearing a letter to the Pope from the Khakhan.<sup>3</sup>

The other envoy of Innocent was Laurent of Portugal, who was sent first to Batu Khan and by him to the court of the Khakhan. This envoy was present at the election of Kuyuk Khan in August, 1246, and was granted audience by him, together with two Kings of Georgia, Ieroslav, Duke of Susdal in Russia, and a great concourse of emirs and sultans from various parts of Asia, in all some four thousand ambassadors, we are told, a noble gathering, beside which

<sup>1</sup> *T'ang shu*, Bk. 221, as quoted by Abel Rémusat, *Mélanges Asiatiques*, I. 441. E. Bretschneider, *On the Knowledge of Ancient Chinese of the Arabs*, etc., 8.

<sup>2</sup> This reminds us of the letter addressed by the Emperor of Japan in A. D. 600 to the Emperor Wen-ti of the Sui dynasty, which began: "The Son of Heaven of the country of the rising sun, to the Son of Heaven of the country of the setting sun." The Chinese Emperor was so indignant at this that he ordered the letters returned to the sender. See Amiot, *Mémoires concernant les Chinois*, XIV. 58.

<sup>3</sup> Abel Rémusat, *Hist. des Relations politiques des Princes Chrétiens avec les Empereurs Mongols*, in *Mém. Acad. Inscr. et Belles Lettres*, VI. 419-427.

our modern diplomatic corps, at the largest capitals, sink into utter insignificance.

The prothonotary Chingay took down the names and titles of each of the envoys, and of the persons of their suite, also the names of those who had sent them, and these he cried out aloud before they entered the imperial tent. Then they bent their left knees four times,<sup>1</sup> and were searched to see that they carried no concealed weapons. After this they entered the Khakhan's presence from the east, for none but the Emperor might enter this tent coming from the west.<sup>2</sup> This was the simple ceremonial of this great audience.

This embassy was better treated than that of friar Ascelin, so far as demanding of it compliance with the ceremonial of the Mongol court was concerned, on account of the religious character of the envoys, all of whom were friars. This difference was fully recognized by the Mongols, since all monks in Asia, as in Europe at that time, were exempted from prostrating themselves before laymen.<sup>3</sup>

Two years later, in 1248, St. Louis sent friar André as his envoy to the court of Karakorum with letters to the Great Khan, and presents, among which was a "chapel in scarlet cloth," all the various ornaments for church worship and a piece of the true cross. The envoy was received with honor, but it was immediately given out that the King of France had submitted to Mongol rule and sent gifts in token of his allegiance.<sup>4</sup>

Although nothing was accomplished by this mission of friar André, the object of which was to exhort the Mongol princes to

<sup>1</sup> Marco Polo, speaking of the ceremonial at the court of Kublai, says, "And when they are all seated, each in his proper place, then a great prelate rises and says with a loud voice: 'Bow and adore!' And as soon as he has said this, the company bow down until their foreheads touch the earth in adoration towards the Emperor, as if he were a god. And this adoration they repeat four times." Yule's *Marco Polo*, 2d edit., I. 378.

<sup>2</sup> Plano Carpini, *Historia Mongalorum* (edit. Soc. Géog. Paris), 754-761.

<sup>3</sup> Rubruk, when questioned as to the ceremonial he would follow when admitted to the Khakhan's presence, referred to this privilege of monks in Europe, and it was apparently conceded him by the Mongols. The Tao-ssu Ch'ang-ch'un, who was received in 1222 by Chinghis Khan, says, "It must be said here that the professors of the *Tao*, when presented to the Emperor, were never required to fall upon their knees or to bend their heads to the ground. On entering the imperial tent they only made a bow and placed their hands together." Bretschneider, *Chinese Medieval Travelers to the West*, p. 47. See also Du Halde, *Description de l'Empire de la Chine*, IV. 269.

<sup>4</sup> Abel Rémusat, *Op. sup. cit.*, 445-449. As bearing on the subject I may mention here that Plano Carpini (*Op. sup. cit.*, 621) relates that when Michel, one of the principal chiefs of the Russians, went to give himself up a prisoner to Batu, he was first obliged to pass between two fires, to purify himself of all evil influences surrounding him, and then he was told to bow to the South to Genghis Khan. He replied that he was willing to bow before Batu and even his servants, but that he would not bow to the image of a dead man, for Christians were not allowed so to do. They repeated the order to him and he still refusing to comply with it, saying that he would rather die than do so, a guard transfixed him with his sword, and he died.

enter the Christian fold, St. Louis sent another in 1253 to Mangu Khan for the same purpose. Realizing, however, the mistake he had made in 1248 in attributing an official character to his envoy, he ordered the head of the mission, the Flemish Franciscan friar, William Ruysbroek, or Rubruk, to conceal carefully his true character, and to represent himself only in that of an itinerant preaching friar. The story of his audience with Mangu Khan, whom he found not far from his capital of Karakorum, as told by himself in his *Itinerarium*, is worth quoting.

"We were asked what reverence we would pay the Chan, whether after our own fashion or theirs. To which I made answer: 'We are priests dedicated to the service of God. Noblemen in our own country will not suffer priests to bow their knees before them, for the honor of God. Nevertheless we will humble ourselves to all men for the Lord's sake. We came from a far country, so if it please ye, we will first sing praises unto God, who hath brought us safe hither from afar, and afterwards we will do whatsoever pleaseth your Lord, with this exception, that he command nothing of us which may be against the worship and honor of God.'

"They then entered into the house and delivered what I had said. And it pleased the Lord, and they set us before the entrance of the house, lifting up the felt which hung before the door, and because it was Christmas we began to sing: 'A solis ortus cardine,' etc.

"And when we had sung this hymn they searched us to see we had no knives about us. They made our interpreter ungird himself and leave his girdle and his knife without, in the custody of a doorkeeper. Then we entered, and there stood in the entrance a bench with cosmos (*kumiss*) on it, beside which they made our interpreter stand, and carried us to sit upon a form before the ladies. The whole house was hung with cloth of gold, and on a hearth, in the middle of the house, there was a fire made of thorns and wormwood roots (which grow there very big) and ox-dung. The Chan sat upon a bed covered with a spotted skin, or fur, bright and shining like a seal's skin (*bos marinus*). He was a flat-nosed man, of middle stature, about the age of five and forty, and a little young woman, his wife, sat by him, and one of his daughters, whose name was Cirina, a hard-favored young woman, with other children that were younger, sat next unto them upon a bed. . . . .

"He commanded drink of rice to be given us, clear and good as white wine; whereof I tasted a little for reverence of him, and our interpreter, to our misfortune, stood by the butlers who gave him much drink, so that he was quickly drunk. . . . . After a long time he commanded us to speak. We were then to bow the knee." Then Rubruk disclosed the object of his coming and the Khan made a short bombastic answer. "Hitherto," adds friar William, "I understood my interpreter, but further I could not perceive any perfect sentence, whereby I easily found he was drunk, and Mangu Chan himself was drunk too, at least I thought so."<sup>1</sup>

The next embassy of which we hear as having refused to comply with the ceremonial in force at the Mongol court was that sent

<sup>1</sup> Rubruk, *Itinerarium* (edit. Soc. Géog. Paris), 304-308.



by Philip the Fair of France in 1288 to Argun, the Mongol ruler of Persia. The names of the ambassadors have not reached us, but we are told of them that they behaved with great arrogance. They refused to render the King of Persia the homage expected of them, because he was not a Christian. They would be remiss in their duty to their Master, they said, if they consented to prostrate themselves before the king, as he three times asked them to do. Argun, however, finally received them and treated them even with great courtesy. The next year, however, his ambassador to Pope Nicholas IV. called the attention of the King of France, in a most diplomatic way, to this unseemly conduct on the part of his envoys. If the King of France had directed his ambassadors to conduct themselves in the way they had done with Argun, he was content, "for what pleases you pleases him." If, however, the King should send back these envoys or others, he begged Philip to allow and direct them to make the King of Persia such reverence and honor as is customary and in usage at his court. In consideration of this they would be dispensed with passing through fire,<sup>1</sup> a Tartar custom by which all new comers at court, be they princes or envoys, together with all the presents they brought with them were obliged to pass between two big fires; by so doing, all evil influences or ill luck which they bore with them were driven away. This was the first diplomatic victory of the West over the East and the last one recorded for many centuries to come.

Though the next mission of interest to us to the Chinese court was not one from a European power, it is nevertheless well worth noticing, as it presents the earliest account at present accessible of the ceremonies attending the reception of foreign envoys, and shows that already in the fifteenth century the etiquette at the court of the Emperor of China was practically the same as at the present day.

In 1419 Shah Rukh,<sup>2</sup> the son of Tamerlane, sent an embassy from Herat to the court of the Emperor Yung-lo of the Ming. It was joined on the way by envoys from Samarkand, Badakshan and other countries, and together they traveled to Peking, in company of some returning Chinese envoys, arriving in the Chinese capital in 1420. They reached the city during the night and, the gates being

<sup>1</sup> Abel Rémusat, *Op. sup. cit.*, 361-378. On this custom see Plano Carpini, *Op. sup. cit.*, 625, 627, also D'Ohsson, *Hist. des Mongols*, II. 210. It is still observed in shamanistic ceremonies in parts of Siberia. See Prof. V. M. Mikhailov in *Journ. Anthropol. Inst.*, XXIV. 89.

<sup>2</sup> Thévenot, *Relations de divers Voyages curieux*, II. See also Étienne Quatremère, *Notices et Extraits*, XIV., pt. I., 387 et seq., and H. Yule, *Cathay and the Way thither*, I., cxix. et seq. On the palace of Peking in the Yuan and Ming periods, see Bretschneider, *Archaeological and Historical Researches in Peking*, etc., 23 et seq.

shut, they were led in unceremoniously through a breach in the wall, which was being repaired, and conducted directly to the palace. They stopped for a while before a pavilion in a great court and here they passed the remainder of the night with a vast number of soldiers—300,000, the chronicler says with true Oriental imagery—while two thousand musicians and singers sang prayers for the Emperor's prosperity, and two thousand more men, with sticks and halberds, kept back the vast crowd of lookers on.

As day broke there arose a great sound of music, and the doors in the pavilion which led into the inner court, at the upper end of which was the audience hall, were thrown open.

"The ambassadors having passed from the first place to the second found the latter as beautiful and as spacious as the other. In the upper part there was a kiosk or pavilion larger than the first, where had been erected a platform, or sofa, of triangular form. It was four cubits high and covered with yellow satin, with gildings and paintings representing the Simorg or Phoenix, which the Khataians call the 'Royal Bird.' On this throne or sofa was a seat of massive gold, and to the right and left there were Khataians standing and arranged in great numbers. The first were those who commanded ten thousand men, followed by those who commanded a thousand, and after them those who only commanded a hundred; each holding in his right hand a tablet, a cubit long and quarter of a cubit broad, and looking at nothing else but their tablets. Behind them was an incalculable multitude of soldiers armed with cuirasses and lances and several with naked swords in their hands; all of them standing in their ranks and in such great silence that one would have said there was not a living soul there. Things being in this state, the Emperor<sup>1</sup> came out of his apartment and ascended the throne, by five silver steps which had been placed there, and sat down on this seat of gold. He was of medium height; his beard was neither too thick nor too thin, and two or three hundred hairs hung down from his chin to such a great length that they formed three or four curls on his stomach. To the right and left of the throne stood two girls of great beauty; their hair fixed on the top of their heads; their faces and necks uncovered, and great pearls in their ears. They held pen and paper in their hands and paid great attention to write down what the Emperor said. (They put down in writing all of his words, which are shown to him when he has gone back to his apartments, to see if there is anything to be changed in his various commands. Then they carry them out to the people of the Divan to the end that they may be executed.) Finally, when he had taken his place and all had been arranged, they caused the ambassadors to advance before the Emperor with some criminals. The first business which was disposed of was that of the criminals,<sup>2</sup> who were to the number of seven hundred. Some of them were fastened by the neck; others had their heads and necks passed through a board; five or six were all fastened together to a single board, in which their heads were fixed. Each one had a guard who held him by the hair of his head, waiting the order of the Emperor.

<sup>1</sup> Yung-lo of the Ming, who reigned from 1403 to 1425.

<sup>2</sup> This is a delightful bit of Chinese humor, such as they love to indulge in at the expense of foreign barbarians.

He had the greater part of them put in prison. There were but few condemned to death.

"The ambassadors were conducted near the throne to about fifteen cubits from it, and the officer who conducted them, having kneeled, read a paper in Khataian which set forth that which regarded the ambassadors, to wit: that they were ambassadors who had come from afar, from Shah Rukh and his children; that they had brought rare objects to be presented to the Emperor, and that they had come to strike their heads against the ground before his Majesty. Then the Cadi Mulana Hagi Jusuf, one of the officers who commanded ten thousand men, a favorite of the Sultan, and one of his Council, approached the ambassadors together with some Musulmen who understood the language, and told them first to kneel and to put their heads against the ground. The ambassadors bowed their heads three times, but they did not touch the ground with their foreheads. This being done, the ambassadors took in both hands the letters of Shah Rukh, of Prince Baisangar and of the other princes and emirs, enveloped in yellow satin, according to the custom of the Khataians, who envelop in this color everything that is destined for the Emperor. The Cadi Mulana Jusuf took the letters from their hands and placed them in those of the Khogia of the Palace, who sat at the foot of the throne. This Khogia presented them to the Emperor who took them, opened and looked over them, and gave them back to the Khogia. After this he came down from his throne and sat at the foot of it on a seat, and at the same time there were brought him three thousand cloaks of fine stuff and two thousand others of coarse stuff, with which his children and those of his house were clothed. The seven ambassadors approached him and knelt, and the Emperor asked them concerning the health of Shah Rukh, etc., etc.

"After various questions about the products of their country and the condition of the roads between China and Persia, the Emperor said: 'You have come from afar, arise and go and eat.' Then the ambassadors were led into the first court, where there was set a table for each one . . . after which, they were led to the lodgings where they were to sleep. The upper room was furnished with a bed, consisting of a raised seat covered with very beautiful silk cushions, with a brazier in which to make fire; and on the right and left there were other rooms with beds, silk cushions, rugs and very fine mats. Each one of the ambassadors was lodged in this manner in a separate room, where they each had a kettle, a plate, a spoon and a table. They received each day, for ten persons, a sheep, a goose, two chickens; and each person two measures of flour and a large plateful of rice, two large bowls full of sweetmeats, a pot of honey, some garlic, onions, salt, different kinds of herbs, a bowl of *Dirapum* and a bowl of dried fruits; some nuts, hazel, chestnut, etc. There were also a number of fine-looking servants who remained always standing, ready to serve them from morning until evening."

The next mission to which I shall refer is that sent in 1654 by the Czar Alexis of Russia under the leadership of Feodor Iskowitz Backhoff.<sup>1</sup> Backhoff appears to have entered China by way of Kuei-

<sup>1</sup>In Thévenot's *Relations*, Vol. II., the Latin text of this narrative is given. The English text is in Churchill's *Collection of Voyages and Travels*, II. 471-473. Thévenot's text is probably the more correct. I have quoted, however, from the English translation, and retained its quaint phraseology.

hua Ch'eng or Koko Khutun (his Cokatana). He reached Peking, or Cambalu as he called it, on March 3, 1656, four months before the arrival of the mission sent there by the Company of the Dutch East Indies.

"About an English mile out of town," he says, "we were met by two deputies, one whereof was the chancellor of the office of the foreign affairs, the other of that of the Chinese affairs. They received us in a spacious structure of stone, inhabited by some priests, and built, as we were told, for the reception of the *Delac Lama* or the *Tartarian* high-priest, who is revered among them like a god.<sup>1</sup> At the entrance of this house they desired me to alight from my horse, and pay my respects to the king<sup>2</sup> upon my knees. Unto which I replied that it was not our custom to salute even our *Czar* upon our knees, but only with a very low bow, and bare-headed; unto which they gave no other answer, but that the *Dutch* never refused it, and therefore I ought not. They then presented me with some *Thee*, made with cow's milk, and butter, in the king's name; it being Lent, I refused to drink it. They told me, that I being sent from one great *Czar* to another mighty prince, I ought at least to accept it, which I did, and so turned back. As we were making our entry, I saw in the gate standing three brass cannon, and so we marched forward for three *verss*, most thro' markets, before we came to the court prepared for our reception, which had two houses of stone, hung with tapestry. Our daily allowance of provisions was one sheep and a small cask of *Spanish* brandy, two fishes, a middle-sized *Jafy*, a certain quantity of wheaten flour, *Sichay*,<sup>3</sup> and rice, and two cups of brandy.

"The 6th of *March*, word was sent me to bring my credentials to the secretary's office; which I refused to comply with, telling the messenger that I was sent with these credentials to the king, and not to his ministers.

"*August* 21, they sent again upon the same errand; but I refused the same, they told me, that since I had disobeyed their king's command, they had orders to punish me; I gave them no other answer, but, if they cut me limb by limb, I would not part with them till I had been admitted to the King's presence."<sup>4</sup>

The 31st of August, all of the presents for the Emperor, which had a few days before been taken from Backhoff by force, were brought back by special command from their king, "because I had refused to deliver my credentials into the secretary's office; and one among them told me, '*No foreign minister, come he from what*

<sup>1</sup> At this time the tribute missions sent by the Talé lama of Tibet stopped probably in the Pai-ta ssü or the Sung-chu ssü; the Huang ssü outside the city on the north side was not then built, I believe.

<sup>2</sup> By this he means to prostrate himself before an imperial chair, or, as required of Count Golovkin in 1805, before a table covered with yellow silk and supposed to represent the person of the Emperor.

<sup>3</sup> I am unable to say what Chinese words *Jafy* represents; *Sichay* is probably *hsi ch'a*, "fine tea."

<sup>4</sup> Comp. with this the fuller Latin text in Thévenot's collection, II., *Ambassade de Schakrock*, 14, 15.

country he will, is admitted into the presence of our king, but only of his great ministers, call'd Inoanol Boyarde.'"<sup>1</sup>

Backhoff remained shut up in an official inn or *kung-kuan* (probably one of those situated behind the present United States Legation, and still used to lodge tribute-bearers of the Nepalese, Lo-los and Tibetan tribes from the borders of Western China), unable to see anything or anybody until September, when he left again for Russia.

In July of the same year a Dutch embassy arrived in Peking from Canton, having traveled overland from that port. It was sent by the Dutch East India Company to secure trading privileges at Canton. The envoys were received by a few officials of low rank and lodged not far from where Backhoff was confined. Their names, the presents they bore, and every other imaginable detail concerning them were carefully written down, and a guard of soldiers stationed over them, ostensibly to protect them and the gifts destined for the Emperor. The Chinese officials inquired particularly whether the ambassadors were related to the Prince of Orange, for unless they were they could not hope to be received by the Emperor. Thus, they said, the late envoys from Korea and the Liu-chiu Islands were, the former a brother of the king, the latter his son-in-law. This same argument, which had recently been also used with Backhoff, had apparently no other object than to make the envoys realize all the honor the Emperor was about to do them and how friendly were his sentiments, when he should finally admit them to an audience. Should, happily, the envoys be princes or personages of exalted station, the Emperor's greatness would thereby be magnified, if such a thing were possible, in the eyes of his people. So great has been the wish of the Chinese to exalt their sovereign above all others that they have often resorted to the most extraordinary expedients, if we may believe travellers, to demonstrate his preëminence in the eyes of the public. Thus Bernardine of Escalanta,<sup>2</sup> speaking of the missions which the Kings of Ava, Siam and other Asiatic countries sent to the court of China, says: "They always send with the embassy four or five persons, everyone with like authority, that if it happens some of them to die on the way, or until they be despatched from thence, and they die not of any disease, they (the Chinese) always poison one or two of them in some banquet, unto whom they make very sumptuous

<sup>1</sup> *Inoanol* is not Russian, neither is it Chinese. *Inoanol Boyarde* is presumably a member of the Privy Council (*Nei ko*).

<sup>2</sup> *Account of the Empire of China*. In Osborne's *Collections of Voyages and Travels*, II. 57.

sepulchres, with epitaphs concerning what they were, and the cause of their coming, and by what prince they were sent. And this is for to continue the memory and greatness of the renown of his realm."

But to come back to the Dutch Embassy, the Jesuits, who were at that time very powerful at the court of Peking, exerted themselves to defeat the mission, and as one of the fathers tells us<sup>1</sup> "they resolved to leave no medium unessayed to overthrow these Hollanders' designs, and with all diligence and vigilancy to vacuate their undertakings, and they searched after all means possible to hinder their access to the Court."

The good fathers were embarrassed by lack of ready money with which to further their worthy purposes, for the Dutch appear to have been lavish with their presents. Thus Father John Adam writes :

"Certain it is that three thousand Tayes (*taels*) were sufficient to make a present to the Emperor, more acceptable than all the Dutch have brought, thereby to confirm the Emperor's favour to us, and interclude all ways to these Hereticks; but we are at too great a distance from Macao to acquaint them [*i. e.*, the head of their mission] with these passages, and probably we might not be heard; nevertheless, I assure your reverend Fatherhood, that as far as my power will extend, I will not spare art nor labour to paint out these Hollanders in true and native colours. . . . Our God who suffered them to enter Japan, so much to the destruction of Christianity, which before flourished in that island, would not permit their ingress into China, to the like damage of Religion here."

Notwithstanding the Jesuits' efforts it was finally decided to receive the embassy.

"The Emperor having been informed concerning Holland sent a declaration to his Council stating that he would receive the Dutch as ambassadors, and gave orders to conduct them to the audience when he should be seated on his throne in his new palace. . . .<sup>2</sup>

"The time was, however, approaching when the Emperor was to make his first entry into his new palace, to which time he had put off their audience, but the custom of the country obliged them first to go to make their obedience (*Soumissions*) in the Palace where is kept the seal of the kingdom, for this place, having been chosen by Heaven and therefore sanctified in all times, foreign ambassadors, they say, owe it the first honors, and they are never received in audience except after having been there. This law is general for all those who have audience with the Emperor or who enter upon any functions, even the Emperor himself is not exempted, and before he becomes Emperor he must needs come and bow his head, and make obedience in this place. . . ."

<sup>1</sup> *Narrative of the Success of an Embassy unto the Emperour of China and Tartary*, in John Ogilby's edition of Nieuhoff's *Embassy*.

<sup>2</sup> Conf. John Ogilby's English translation (1669), 119-135, which is not as full, however, as the French translation in Thévenot, II. 53-59.



The ambassadors complied with this custom on the 14th of August, three days before that fixed for the audience. They were led by a number of officials in full court dress into a little chapel in the old palace and then—"a quarter of an hour after, they were led into a court and placed in front of the old throne, shut in all about by a paling, and a herald cried out to them with a strong voice *Kuschan*, that is to say, 'God hath sent the Emperor,' after which he cried to them *Quée*, that is to say, 'kneel down;' *Kanto*, which signifieth 'bow the head three times;' *Kée*, 'arise;' which he repeated three times; and finally he cried *Koce*, that is to say, 'stand to one side.'<sup>1</sup> This took place in presence of a quantity of Chinese doctors," after which the envoys returned to their lodgings to wait for the 25th of August, on which day their audience with the Emperor was to take place.

The death of the brother of the Emperor put off the audience until the 2d of October (1656), when the same officials who had accompanied them when they had performed their prostrations before the imperial throne came for them at two o'clock in the morning. Six persons of the envoys' suite accompanied them. They were led into the second court of the palace where they waited, seated on "blue stones" and in an open court, until day-break. Ambassadors of the Great Mogul were placed next to them, also deputations of lamas and of the Sudatses<sup>2</sup> waited to be introduced with them. After a while they were led into the part of the palace where the Emperor had his throne and which they found filled with officers and soldiers, gorgeously dressed and carrying different colored standards, images of the sun and moon, parasols and poles with tassels of gold and silk of different colors hanging from them. At the foot of the throne they particularly noticed "six horses as white as snow, with bridles studded with rubies and pearls." Suddenly, while they were considering all this magnificence, "they heard a little bell tinkle and a soldier appeared, cracking a leather thong, so that with each crack of it they heard three pistol shots." On hearing this everyone stood up, and at the same time was heard "an agreeable music of various instruments and very sweet voices." The various high officers and the envoys of the

<sup>1</sup>*Kuschan* is perhaps *chü*, "go," and *chan*, "stand up." *Quée* is *kuei*, "kneel." *Kanto* is probably *k'o*, "bump," *f'ou*, "the head." *Kée* is *ch'i*, "rise up," and *Koce* is perhaps *k'o*, "it is proper," *chü*, "to go away."

<sup>2</sup>Or Sudasen, which the editor says are Yupi ("Fishskin") Tartars. Ogilby says they are "South Tartars" and gives a description of their dress. (Nieuhoff, *Op. cit.*, 123.) He writes their name Zutadsen and Suytadsen. This is the vulgar expression, still in general use, *Sao Ta-tzu* "Stinking Tartars," applied by the northern Chinese to all Mongols alike.



Great Mogul, the lamas and others, kotowed at the foot of the throne, and then the chancellor of the kingdom came to the ambassadors of Holland and asked them their titles. They answered that they had that of Tchiomping,<sup>1</sup> "agreeably to the judgment of the King of Canton, who had given them this title." The ambassadors of the Mogul having answered that they had the same title as the Dutch, they were placed side by side.

"In the middle of this hall there were twenty stones with copper plates on which are marked the titles of those who are to kneel. The ambassadors were placed on the tenth stone where they stood until a herald cried, "*Advance toward the throne.*" At these words they all rose to advance. Then the herald said, "*Return to your places,*" which they did at once. "Bow your head three times to the ground," and finally, "arise." They were obliged three times to go through all these exercises. The herald cried, "*Return to your place,*" when they walked at once to the left side of the hall and took their former places."

After this they were led into another raised hall or stage with the ambassadors of the Great Mogul, and were again obliged to go on their knees and bow three times to the ground, when they were served with tea, mixed with milk, which was given them in little wooden bowls. Meanwhile the noise of bells was heard and the cracking of the leather strap, and they all went again on their knees, when the Emperor finally appeared at about thirty steps from the ambassadors on a throne of gold, with two arms in the shape of great dragons which concealed him so that they could only see a part of his face. Two viceroys of the royal blood were seated below him, and after them three great lords of his court. They were drinking tea in little wooden vessels, and were all dressed in blue silk of the same color, on which were representations of serpents and dragons. Their caps had a little gold ball on the top enriched with jewels.

The Emperor never addressed a word to the ambassadors, and, "after a quarter of an hour," Nieuhoff remarks, he rose and left the hall. We are told by the ambassador that the Emperor<sup>2</sup> was a young man, fair of face, of medium height and well proportioned. As soon as he had left the audience hall all restraint seems to have vanished, and the soldiers and other people in the palace rushed in to look and gaze at the Dutch "as if they had been some strange Africk monsters."

<sup>1</sup>Or, according to our mode of transcription, *Tsung-ping*, "General." In Father John Adam's *Narrative of the Success of the Embassy*, etc., it is said the two ambassadors were called by the Tartars *Compim* or "Captain."

<sup>2</sup>This emperor is known as Shun-chih. He reigned from 1644 to 1662. He was the first emperor of the present Manchu or Ta ching dynasty who reigned in China proper.

The same day on which they were received by the Emperor they were given a dinner by the first minister<sup>1</sup> together with the other envoys who had been received at the same time as they. This feast was served by order of the Emperor. Before sitting down at the table they all turned toward the north, "because the Emperor abides in that direction," and made three reverences, as they had before done in front of the throne. Among the queer dishes which were served on this occasion was camel's flesh, roasted and boiled, probably for the special delectation of the Mongol guests and of the Emperor's maître d'hôtel, who devoured it "like a man who might have been fasting for the three last days." When they had finished eating the Chinese obliged the ambassadors to put all the bits left over into bags to carry back with them to their lodgings, "and it was a pleasure to see these famished Tartars filling their leather pouches or skins with the hair still on." After eating they were served with drink, consisting of *sampsoe*,<sup>2</sup> brought in jugs, from which it was poured into bowls and ladled out with wooden spoons into pots of gold and silver. They were told that this drink was distilled from sweet milk.

At the end of the banquet the envoys were required to make another obedience in the direction of the palace of the Emperor to thank him for this "brave high treatment," after which the narrator pathetically says: "They went away without other compliments or ceremony, very much worn out by the different reverences which they had been obliged to make that day." On various subsequent occasions they had again to perform these prostrations.

Finally, after two more banquets, where they remarked that the Mogul envoys and the other foreigners were better treated than they, the Li pu handed them a letter to the Governor-General of Batavia, and told them to leave the city at once, which they did two hours after its receipt. They were unable during their stay in Peking to visit the city, as they were kept all the time shut up in their lodgings "like recluses in their cells," without being allowed to go out once, except to court or to the Board of Rites. Every day they were furnished by order of the Emperor with the following: To the ambassadors six catties of meat, a goose, two chickens, four pots of *sampsoe*, two teils (ounces) of salt, two teils of tea of Tartary<sup>3</sup> and a

<sup>1</sup> According to Ogilby's translation (p. 130) the feast took place at the Board of Rites (Li pu). Father Adam, *Narrative*, etc., f. 13, calls the president of this board "a sordid and covetous wretch."

<sup>2</sup> Or *samshu*, as it is called in Anglo-Chinese. It is usually made from sorghum in northern China, but in the south from rice. Its Chinese name is *shao chiu* or "brandy-wine." A kind of brandy is made by the Mongols from mare's milk and is called *arrecki*. See my *Land of the Lamas*, pp. 130 and 248.

<sup>3</sup> Probably coarse brick tea, such as the Mongols use.

teil two maes (an ounce and a half) of oil, while the secretary received two catties of fresh meat, half an ounce of tea, a cattie of honey, a cattie of tanta,<sup>1</sup> five coudria four maes of oil, four teils of missou, etc. Among the supplies given the suite of the embassy, I notice rice which, however, was not allowed the higher officers.

As to the object of their mission they gained a partial success, for permission was granted the Dutch to visit Canton for trade once in eight years, with not over one hundred men in a company, of whom twenty might proceed to Peking with the presents destined for the Emperor.<sup>2</sup>

WILLIAM WOODVILLE ROCKHILL.

(*To be Continued.*)

<sup>1</sup> Ogilby says (p. 134), Taufoe, which represents the Chinese *tou fu*, "bean curd," a very common article of Chinese diet. Missou or misson is Chinese *mi su*, "soy sauce."

<sup>2</sup> Although the Dutch admit that they performed all the ceremonies prescribed by Chinese court etiquette, the Jesuit Father Baliou, writing *after* the departure of the mission, says "The Hollanders may not come into the King's presence (nor the Muscovites), because they will not submit themselves to those ceremonies of reverence accustomed in this Palace. They are novices, and ignorant in affairs and obstinate in refusing to accommodate themselves to the customs of the country. God will at length discover his mercies to the Catholick Portugueses here!" *Embassage to the Emperour of China*, etc., 47.

## THE AUTHORSHIP OF THE FEDERALIST

THE FEDERALIST is universally regarded as the most important contribution of our country to political science, and yet, although some twenty-five editions of it have been published, the authorship of twelve important numbers, about one-seventh of the whole, is still undetermined, and in the opinion of Mr. Lodge, the latest critical editor, must remain so. The authorship of three other numbers, 18, 19 and 20, earlier in dispute, Mr. Lodge believes to be satisfactorily settled. The remaining twelve numbers, 49-58, 62 and 63, are attributed to Hamilton in the so-called Hamilton lists, and to Madison in the Madison lists. Madison never wavered in the assertion that he was the author of them, and although the Madison lists differ from each other in regard to a few other numbers, they uniformly assign these numbers to Madison. Mr. Lodge, although the weight of testimony is, in his view, favorable to Hamilton, declares that he "is not even yet completely satisfied" that Nos. 49-58 are not from Madison's pen. In regard to Nos. 62 and 63 he has "very little doubt," thinking they both belong to Hamilton.<sup>1</sup> Mr. Lodge concludes: "No one is entitled to assign the disputed numbers to either Hamilton or Madison with absolute confidence. They were surely written by one or the other, and with that unsatisfactory certainty we must fain be content."

The case, in brief, is one where the external evidence is conflicting and where, hitherto, conclusions have been reached largely in accordance with the predilections of the respective admirers of the two claimants, by rejecting as less trustworthy the testimony of one or the other set of lists. For example, George Bancroft<sup>2</sup> is as sure that Madison wrote the numbers as John C. Hamilton<sup>3</sup> is that his father was the author.

In such a juncture the obvious step is to call in a new set of witnesses; in other words, to examine the papers themselves for internal evidence and not to acquiesce in a negative conclusion until every resource has been exhausted. It is hardly likely that two men of such different individualities as Hamilton and Madison, however sim-

<sup>1</sup> See Lodge's *The Federalist*, Introduction, for a presentation of the external evidence. All references are to Lodge's edition unless another is mentioned.

<sup>2</sup> *History of the Constitution of the United States*, II. 336.

<sup>3</sup> See his edition of *The Federalist*.

ilar their political experience, and however sincerely working together in the same cause, could write extensively in its behalf without their respective contributions bearing some mark of their authors. Fixed ideas, pet phrases, habitual modes of expression, characteristic political theories, will occur again and again, not only in the essays in question, but elsewhere in the works of the writers. The weight of such evidence is cumulative. Every additional example strengthens one side and proportionally weakens the other. Internal evidence is often inadequate to determine the author of an anonymous work when there are many possibilities. In the case before us all that is required of it is to turn the balance decidedly one way or the other between two even contestants, for such they seem to the student after Mr. Lodge's discussion.

In fact hardly as much as this is necessary, for the case was made to appear an even one by unfairly discrediting Madison's testimony as compared with that of Hamilton. Without such studied disparagement the external evidence is far stronger for Madison's authorship. Mr. Lodge's process is a curious one and starts with rejecting a specific statement of Madison's which can be substantiated beyond any doubt. In the Hamilton lists, he writes, there are "two errors as to two numbers, while in the Madison lists there are twelve errors as to six numbers. Tried, therefore, by the list of admitted errors, Hamilton's authority is shown to be six times as good as that of Madison." Passing by the crudeness of this method of expressing relative degrees of probability, it is to be noted that eight of these twelve "errors" in the Madison lists are made up as follows: Nos. 18 and 19 are three times, and No. 20 twice, attributed to Madison alone. These "errors" are in the earlier Madison lists. After the publication of the Hamilton lists which attributed Nos. 18, 19 and 20 to "Madison and Hamilton jointly," Madison explained the discrepancy in a note to No. 18 in Gideon's edition of 1818. "The subject of this," he writes, "and the following numbers happened to be taken up by both Mr. Hamilton and Mr. Madison. What had been prepared by Mr. Hamilton, who had entered more briefly into the subject, was left to Mr. Madison, on its appearing that the latter was engaged upon it, with larger materials, and with a view to a more precise delineation, and from the pen of the latter the several papers went to press."

In the fuller statement of Madison, in Bancroft's *History of the Constitution*, II. 337, he says: "It is possible, though not recollected, that something in the draught [*i. e.*, Hamilton's draught] may have been incorporated into the numbers as printed. But it was certainly not of a nature or amount to affect the impression left

on the mind of J. M., from whose pen the numbers went to the press, that the numbers were of the class written by him." Then follows a simple and natural explanation of how Hamilton might have regarded them as joint work. Mr. Lodge, however, without giving this explanation of the facts, says that Madison in Gideon's edition of 1818 "concedes 18, 19 and 20, to be the joint work of Hamilton and himself." With all respect to Mr. Lodge it may be asserted that he made no such concession. In the Gideon editions those numbers are ascribed to Madison alone, and the explanation quoted above is given in a foot-note. That explanation beyond doubt can be shown to be true to the letter, and in such a way as greatly to increase one's confidence in Madison's memory and his honesty. The "raw material" of those numbers, with the historical references exactly given, exists in Madison's papers in his own handwriting, and is printed in his *Writings*, Vol. I., pp. 293-314. Take Number 20 for example as a test case. Fully nine-tenths of it is drawn from Madison's own abstract of Sir William Temple's *Observations upon the United Provinces* and of Felice's *Code de l'Humanité*. This can be verified by any one in a few minutes by comparing No. 20 with pp. 302-309 of Madison's *Writings*, Vol. I. That Madison should assert Number 20 as his own was natural and right; that when Hamilton's assertion of joint authorship was made public he should explain the discrepancy by stating the facts was also natural; that his explanation was truthful internal evidence proves beyond a doubt and that he "conceded" Number 20 to be a joint work in any common acceptance of the term is without foundation. Sir William Temple's claim to be recognized as joint author of Number 20 is far stronger than Hamilton's. There are two paragraphs out of twenty-four in Number 20 which appear to have come from Hamilton. Most of the rest is from Sir William Temple. The case with Numbers 18 and 19 is similar, although neither is drawn from so few sources as Number 20; in each there is a possibility of a larger use of Hamilton's notes. After a comparison of these numbers with Madison's "Notes on Confederacies" no editor can have any excuse for assigning these numbers to "Hamilton and Madison," as has been uniformly done by Hamiltonian editors since 1810. It should at least read, "Madison and Hamilton," although there seems to be no good reason why the exact and truthful course of the Gideon editions should not be followed in the future.

It will hardly be denied that eight of the twelve "errors" of the Madison lists now disappear and we have then four errors in regard to two numbers in the Madison lists as compared with Hamilton's. two errors in regard to two numbers.

When Mr. Lodge believed Hamilton's testimony six times as good as Madison's he regarded the question of the authorship of Nos. 49-58 as almost evenly balanced between the two. According to his own process of weighing evidence Hamilton's authority is shown at most to be only twice as good as Madison's, and perhaps only half as good.<sup>1</sup> If the scale was evenly balanced before, it must turn now, for the very case used by Mr. Lodge to show that Madison's testimony was less trustworthy than Hamilton's memorandum, when examined in the light of Madison's collected material, proves that Madison's statement was accurate to the letter and that Hamilton's rested on a natural misapprehension.

Let us turn now to the more difficult problem presented by Numbers 49-58, 62 and 63. In regard to the series 49-58 an ingenious attempt to reconcile Hamilton's list with Madison's was made in the suggestion that as Hamilton made a mistake of a single figure in attributing 54 to Jay instead of 64, it was not improbable that he made a similar mistake in the next line and wrote 37-48 instead of 37-58.<sup>2</sup> The value of this conjecture must depend upon the tendency of the internal evidence.

If one examines the structure of *The Federalist* there seems to be a somewhat systematic division of labor in the preparation of its parts. Jay's few contributions deal with foreign relations, with which he was especially conversant; three distinctively historical papers like 18, 19 and 20, come from Madison's hand because his studies in the history of federal government had supplied him with ampler materials. With these exceptions, all of the first part of *The Federalist*, issued originally as the first volume, deals with general questions emphasizing the defects of the Confederacy and the value of a more perfect union, and of these papers Hamilton wrote all but two. To him these were congenial topics and he could throw into their discussion his whole force without reserve. As the originator of the essays he could naturally choose for himself the particular part of the work he preferred to do, and request his collaborators to undertake the portions for which they were particularly fitted. It is not, then, without significance that in the opening paragraph of No. 37, the first of the connected Madison papers, it is said that the plan of the writers "cannot be complete without taking a more critical and thorough survey of the work of the Convention, etc." This is called "the remaining task." Madison was by far the most competent person to perform the "remaining task." He was present at

<sup>1</sup> Following Mr. Lodge's example we might count Hamilton's assertion of joint authorship of 18, 19 and 20 as "errors," and raise his number of "errors" to eight.

<sup>2</sup> See *The Historical Magazine*, VIII. 306.



every session of the Convention and did more than any one else to bring it to a successful issue. Hamilton, on the other hand, was absent from June 29 to August 13, and did not speak<sup>1</sup> from August 13 to September 6, on account of "his dislike of the scheme of government in general."<sup>2</sup> If Hamilton refrained from participating in the discussions of the Convention for this reason, is it not altogether probable that he proposed to leave to Madison, as far as practicable, the task of defending the details of the Constitution? This supposition is strengthened by the fact that Madison had evidently formed a plan of treatment for the numbers that he did not write.<sup>3</sup>

His work, however, was cut short by his having to leave New York early in March to prepare for the Virginia Convention. Numbers 49-58 appeared between February 5 and February 22, and are closely connected in subject matter with the preceding Madison numbers. Numbers 62 and 63 discuss the make-up of the Senate and logically attach themselves to Number 58, which concludes a similar treatment of the House of Representatives. They were published February 29 and March 7. They could have been written by Madison; that they should be was in accordance with the apparent plan of *The Federalist*. On the other hand, there seems to be no good reason why they should come from Hamilton as long as Madison was in New York. His approaching departure, toward the end of February, compelled Hamilton to take up the task if the series was to be continued, and he wrote Numbers 59-61, on the control of the Union over the federal elections, three numbers that could have come after 62 and 63 more logically than before them.

These considerations make it somewhat more probable that these numbers were written by Madison than by Hamilton, but the weight of the probability must be left to the judgment of the reader.

In examining the internal evidence limitations of space as well as lack of indications will prevent the treatment of the numbers with equal detail, but as they are attributed *en bloc* to either Madison or Hamilton by most of the lists, satisfactory proof that any two or three of them were written by one of the two will go far to turn the scale in his favor for the rest. I shall, therefore, present the evidence as fully as possible in regard to some numbers and only the most striking indications in regard to the rest.<sup>4</sup>

<sup>1</sup> He could not vote, as both Yates and Lansing of New York had left the Convention.

<sup>2</sup> Madison's *Debates*, Scott's ed., 671.

<sup>3</sup> After he left New York he wrote at least once to Hamilton in regard to the later course of the *Federalist*. April 3, Hamilton replies, explaining the line of argument which seemed best to him. Lodge's *Works of Hamilton*, VIII. 182.

<sup>4</sup> To reduce this article to the limits fixed by the editors the writer has been obliged

## NUMBER 49.

Number 49 continues the discussion on the separation of the powers begun in Number 48, and takes for special consideration a protective device proposed by Jefferson in his *Notes on Virginia*, providing for any two departments to unite in calling a convention in case the third should encroach on the Constitution.

This project of Jefferson's was known to Madison in August, 1785.<sup>1</sup> By May, 1786, he had in his possession a copy of the privately printed edition of Jefferson's *Notes*.<sup>2</sup> The first published edition of the *Notes* came out in London early in August, 1787,<sup>3</sup> and it was from this edition that Madison quoted in the preceding number of *The Federalist* (No. 48). The only place where any one could learn of this constitutional device of Jefferson's was in the appendix to some of the editions of his *Notes*. Madison had known of it for years and owned two of these editions of the *Notes*. A copy of Jefferson's *Notes* was among Hamilton's possessions, but it was the Philadelphia edition of 1788,<sup>4</sup> which was not published until January 23, 1788,<sup>5</sup> in Philadelphia, while Number 49 of *The Federalist* was printed in New York, February 5th.

If Hamilton wrote Nos. 49-58 the decision that Madison's contributions for the present should cease with No. 48 must have been reached at least some days earlier than February 5, because 49 and 50 are papers based on some research. It is, then, while not impossible, extremely unlikely that a book published in Philadelphia not earlier than January 23 should have reached New York and come into Hamilton's possession soon enough for him to select from it the text for the first of a new series of papers which appeared February 5. On the other hand, Madison having quoted extensively in No. 48 from the *Notes*, nothing would be more natural than for him to discuss Jefferson's project, thus freshly reminded of it. It may be added that Chancellor Kent notes that: "Mr. Hamilton told me that Mr. Madison wrote 48 and 49, or from pa. 101 to 112 of Vol. 2d."<sup>6</sup> The pages, as given, show that the numbers are those of the collected editions and not the original numbers as printed in the journals.

to omit about one-half of the material which he inserted in this portion of the paper. Some of the omissions will be indicated by references.

<sup>1</sup> *Writings of James Madison*, I. 183. To be cited as *Writings*.

<sup>2</sup> *Ibid.*, p. 234.

<sup>3</sup> Ford's *Jefferson's Works*, III. 79.

<sup>4</sup> J. C. Hamilton, *The Federalist*, p. cxi. The copy was in Mr. J. C. Hamilton's possession.

<sup>5</sup> It is first announced in the *Pennsylvania Packet* of January 25th, as "published this day." That it was not actually on the market for a few days is not unlikely, if we may judge from the practice of publishers to-day.

<sup>6</sup> Dawson's *The Federalist*, p. cxl.

NUMBER 50.

This number discusses the propriety of periodical instead of occasional appeals to the people, and reviews the history of the Pennsylvania Council of Censors, of 1783-84. In regard to this institution and Jefferson's scheme criticized in No. 49, John C. Hamilton writes: "As to this, as well as to the scheme of Jefferson, an analogy in Hamilton's writings—for the same reason, that no such project had come before him—was not to be expected."<sup>1</sup> The question naturally arises, then, "Why should Hamilton select this unfamiliar topic for a number of *The Federalist*?" To Madison, on the other hand, the project was familiar. The results of its work form the subject of the latter part of No. 48, and he had discussed this Council of Censors briefly as early as August, 1785, in his letter to John Brown, of Kentucky.<sup>2</sup>

NUMBER 51.

In No. 51 the writer continues the discussion of the preceding numbers as to the proper means "of maintaining in practice the necessary partition of power among the several departments." This line of thought was a favorite one with Madison.

Number 51.

"*Second.* It is of great importance in a republic not only to guard the society against the oppression of its rulers, but to guard one part of the society against the injustice of the other part. Different interests necessarily exist in different classes of citizens. If a majority be united by a common interest, the rights of the minority will be insecure." Cf. Madison's Notes on the Confederacy, *Writings*, I. 325-6. April, 1787.

"Whilst all authority in it will be derived from and dependent on the society, the society itself will be broken into so many parts, interests and classes of citizens, that the rights of individuals, or of the minority, will be in little danger from interested combinations of the majority,"<sup>3</sup> (pp. 325-6).

Madison.

(Objects of the Senate.)

"These were,—first, to protect the people against their rulers, secondly, to protect the people against the transient impressions into which they themselves might be led." *Debates*, 242. (June 26). . . "as different interests necessarily result from the liberty secured, the major interest might, under sudden impulses, be tempted to commit injustice on the minority." *Debates*, *ibid.* See also letter to Jefferson giving an account of the Convention, October 24, 1787. *Writings*, I. 353.

"The Society becomes broken into a greater variety of interests and pursuits of passions which check each other." *Writings*, I. 327, from Notes on the Confederacy. April, 1787.

"The only remedy is, to enlarge

<sup>1</sup> J. C. Hamilton's edition of *The Federalist*, p. cxiii.

<sup>2</sup> *Writings*, I. 183.

<sup>3</sup> Madison uses the phrase "interested combinations of the majority," in *Writings*, IV. 23 (1829), and the phrase "interested majority" in the *Federalist*, p. 59.

*Number 51.*

"In a free government the security for civil rights must be the same as that for religious rights. It consists in the one case in the multiplicity of interests, and in the other in the multiplicity of sects. The degree of security in both cases will depend on the number of interests and sects; and this may be presumed to depend on the extent of country and number of people comprehended under the same government,"<sup>1</sup> (p. 326).

*Madison.*

the sphere, and thereby divide the community into so great a number of interests and parties, that in the first place a majority will not be likely at the same moment, to have a common interest separate from the whole." *Debates*, 119, June 6th, 1787. "In a large society, the people are broken into so many interests and parties that a common sentiment is less likely to be felt and the requisite concert less likely to be formed by a majority of the whole." Letter to Jefferson, Oct. 24, 1787, *Writings*, I. 352.

"The same security seems requisite for the civil as for the religious rights of individuals. If the same sect form a majority, and have the power, other sects will be sure to be depressed. Divide et impera—is, under certain qualifications, the only policy by which a republic can be administered on just principle." Letter to Jefferson, *Writings*, I. 352-3, Oct. 24, 1787.

"This view of the subject shows that in the exact proportion as the territory of the Union may be formed into more circumscribed Confederacies, or States, oppressive combinations of a majority will be facilitated."

"In the extended republic of the United States, and among the great variety of interests, parties and sects which it embraces, a coalition of a majority of the whole society could seldom take place on any other principles than those of justice and the general good."

"It may be inferred that the inconveniences of popular states, contrary to the prevailing Theory, are in proportion not to the extent, but to the narrowness of their limits." Notes on the Confederacy, *Writings*, I. 327, April, 1787. "As in too small a sphere oppressive combinations may be too easily formed against the weaker party, so," etc. Letter to Jefferson, October 24, 1787. "In the extended republic of the United States," . . . . . "greater variety of interests and pursuits of passions," for the rest see above, p. 449. "The only remedy is to enlarge the sphere, and thereby divide the community into so great a number of interests and parties, that, in the first place, a majority will not

<sup>1</sup> Cf. also Madison's remarks in the Virginia Convention. "But the United States abound in such a variety of sects that it is a strong security against religious persecution." Elliot's *Debates*, III. 330.

*Number 51.*

"It is no less certain than it is important, notwithstanding the contrary opinions which have been entertained, that the larger the society, provided it lie within a practical sphere, the more duly capable it will be of self-government."<sup>1</sup>

*Madison.*

be likely, at the same moment to have a common interest separate from that of the whole or of the minority." *Debates*, p. 119, (June 6th).

"It was incumbent upon us, then, to try this remedy, and with that view, to frame a republican system on such a scale, and in such a form as will control all the evils which have been experienced." *Debates*, p. 119.

The five numbers 47-51 form a continuous discussion, complete in itself, of the true meaning of the maxim of the separation of the powers, its applicability to the United States, etc. Madison's right to be regarded as the author of the first two has never been disputed. The evidence that he also wrote Number 51 has been laid before the reader. It seems to me to establish the proof of his authorship as certainly as an undisputed assertion could. The evidence in the case of Numbers 49 and 50 is confirmatory. The significance of this evidence can be fairly weighed only by a comparison of it with that which has been put forward in behalf of Hamilton in J. C. Hamilton's edition of *The Federalist*, pp. cx.-cxv,<sup>2</sup> and for Number 51 on p. cxiv.

The next group of essays, Numbers 52-58, take up in detail the structure of the House of Representatives as framed by the Constitution. The internal evidence in regard to the authorship of these numbers, so far as I have been able to detect it, is much less in amount. Some of it, however, is striking.

*Number 52.*

"The definition of the right of suffrage is very justly regarded as a fundamental article of republican government. It was incumbent on the convention, therefore, to define and establish this right in the Constitution. To have left it open for the occasional regulation of the Congress would have been improper for the reason just mentioned," (pp. 327-28).

*Madison.*

"The right of suffrage is certainly one of the fundamental articles of republican government, and ought not to be left to be regulated by the Legislature." *Debates*, p. 470, August 7 (Hamilton was absent at that time).

<sup>1</sup> Cf. Madison in *Federalist*, No. 10, p. 60.

<sup>2</sup> It is but fair to J. C. Hamilton to remember that when he made his argument in favor of Hamilton's authorship Madison's *Writings* had not been published. He had examined some of them in MS., but not thoroughly enough.

## NUMBER 53.

Subject: Frequency of Elections.

*Number 53.*

In support of biennial elections it is urged that time will be necessary for the legislator to gain "a certain degree of knowledge of the subjects on which he is to legislate," (p. 335).

"Some knowledge of the affairs, and even of the laws of all the States, ought to be possessed by the members from each of the States," (p. 336).

"The distance which many of the representatives will be obliged to travel, and the arrangements rendered necessary by that circumstance, might be much more serious objections with fit men to this service if limited to a single year than if extended to two years," (p. 338).

*Madison.*

"Three years will be necessary, in a government so extensive, for members to form any knowledge of the various interests of the States to which they do not belong, and of which they can know but little, from the situation and affairs of their own; one year will be almost consumed in preparing for and traveling to and from the seat of national business." *Debates*, June 12, p. 151.

Madison argued that annual elections would be extremely inconvenient for the representatives. "They would have to travel seven or eight hundred miles from the distant parts of the Union." *Debates*, June 21, p. 216.

The amount of evidence in regard to No. 53 is not great, but this is to be noted in regard to its character. Two of the most important arguments in No. 53 for biennial rather than annual elections are arguments advanced by Madison in the Convention in favor of triennial elections. Hamilton participated in the discussion, June 21 (p. 217). Like Madison, he favored triennial elections. Of the five points that he made in his speech, not one is mentioned in No. 53. If Hamilton wrote No. 53 he did not repeat a single one of five arguments which seemed good to him six months before, but devoted himself to an elaboration of the points made by Madison. It may be remarked in addition that one of the so-called Hamilton lists, that of Chancellor Kent, attributes No. 53 to Madison.

## NUMBER 54.

As an additional bit of external evidence, not recorded by previous writers, it may be remarked that Madison in a letter, in 1819, casually referred to No. 54 as expressing his views, thus implying that he wrote it;<sup>1</sup> and that in the Virginia constitutional convention of 1829 he publicly asserted his authorship of the number.<sup>2</sup>

Finally, it may be remarked that Hamilton in the Benson list and in the list copied at his own request by J. C. Hamilton did not

<sup>1</sup> Letter to Robert Walsh, Nov. 27, 1819. *Writings*, IV. 154.

<sup>2</sup> *Debates of the Virginia State Convention*, 1829-30, p. 188.

claim Number 54 for himself, but assigned it to Jay.<sup>1</sup> It may be said, of course, that he intended in that list to write 64, but as a matter of fact he did not assign 54 to himself, and whether he intended to write 64 is open to most serious doubt. In the last number of the Camillus papers, 1794,<sup>2</sup> he quotes from numbers 42 and 64 of *The Federalist* and appends this note: "It is generally understood that two persons were concerned in the writing of these papers, who, from having been members of the Convention, had a good opportunity of knowing its views—and were under no temptation at that time in this particular to misrepresent them." If Hamilton in 1794 remembered that Jay<sup>3</sup> wrote number 64, this note was highly disingenuous; but there is no reason to suspect Hamilton of such disingenuousness. Therefore in 1794 Hamilton attributed 64 either to himself or to Madison. That he attributed it to himself is made practically certain by his not attributing it to Madison in the Benson list. It seems fair to conclude, therefore, that in attributing 54 to Jay in that list and the list copied by J. C. Hamilton, Hamilton did not make a mere clerical error, but consciously disclaimed writing 54.

NUMBER 56.

To meet the objection that the representatives would not have adequate knowledge, the writer of 56 says:

*Number 56.*

"Divide the largest state into ten or twelve districts, and it will be found that there will be no peculiar interests in either, which will not be within the knowledge of the representative of the district," (pp. 351-2).

*Madison.*

In the Virginia Convention, Madison said: "Could not ten intelligent men chosen from ten districts from this State lay direct taxes on a few objects in the most judicious manner? Can any one divide this state into ten districts so as not to contain men of sufficient information?" Elliot, III. 253-4.

Hamilton, in the New York Convention said: "The natural and proper method of holding elections will be to divide the State into districts in proportion to the number to be elected. This State will consequently be divided at first into six. One man from each district will probably possess all the knowledge the gentlemen can desire." (Elliot, I. 434.)

It will be remembered that the Constitution assigned, in the beginning, ten representatives to Virginia and six to New York. Hamilton in the New York Convention illustrates the adequacy of

<sup>1</sup> J. C. Hamilton's edition, p. xcvi.

<sup>2</sup> *Works*, V. 320-321.

<sup>3</sup> Jay was not a member of the Convention.



the representation by supposing the division of the state into six districts, and Madison does the same in the Virginia Convention by supposing Virginia to be divided into ten districts. The writer of Number 56, in addressing the people of New York, supposes the largest state divided into ten districts, etc. If Hamilton wrote 56, why should he take Virginia as an example in February and New York in July? He might do so, of course, but there is a certain naturalness in a Virginian taking the largest state—his own state—as the extreme example, even though addressing New Yorkers, while the most natural example for a New Yorker, as well as the most directly pertinent, would be New York.

Mr. Lodge in his discussion attaches great weight to the fact that in the edition of 1802, prepared under Hamilton's supervision, the eighth paragraph of this number was omitted and a new one substituted for it. But granting all his deductions and accepting the authenticity of the Benson list of 1804, all that the insertion of this new paragraph proves is that Hamilton believed Number 56 to be his in 1802, as well as in 1804. The weight of this confirmatory testimony seems to be slight, except so far as it helps to establish the authenticity of the Benson list.

The closing paragraph of Number 56 cites the experience of Great Britain, "which presents to mankind so many political lessons, both of the monitory and exemplary kind" (p. 354). "Monitory" is almost a favorite word with Madison. I have noted the following instances: "Monitory examples," III. 244; "monitory reflection," IV. 334; "Instructed by these monitory lessons," IV. 424; and, in *The Federalist*, No. 20, p. 118, "this melancholy and monitory lesson of history." In referring to the experience of Great Britain the writer cites Burgh's *Political Disquisitions*. Madison was reading Burgh just about this time, for in his "Additional Memorandum for the Convention of Virginia in 1788, on the Federal Constitution," he quotes Burgh on the union between England and Scotland. (*Writings*, I. 392, note b.) I have met with no reference to Burgh in Hamilton's writings.

Number 62 continues directly the discussion in 58 on the character and utility of the two Houses of Congress.

*Number 62.*

"... it will be proper to inquire into the purposes which are to be answered by a Senate," (p. 387).

"It is a misfortune incident to republican government, though in a less degree than to other governments, that those who admin-

*Madison.*

"... it will be proper to take a view of the ends to be served by it," [*i. e.*, a Senate]. *Debates*, 241.

"A people deliberating... on the plan of government most likely to secure their happiness, would first be aware, that those charged

*Number 62.*

ister it may forget their obligations to their constituents, and prove unfaithful to their important trust," (p. 387).

"In this point of view, a senate as a second branch of the legislative assembly, distinct from and dividing the power with a first, must be in all cases a salutary check on the government," (ibid).

"The necessity of a senate is not less indicated by the propensity of all single and numerous assemblies to yield to the impulse of sudden and violent passions, and to be seduced by factious leaders into intemperate and pernicious resolutions," (pp. 387-8).

"... a body which is to correct this infirmity ought itself to be free from it, and consequently ought to be less numerous," (p. 388).

"It ought, moreover, to possess great firmness, and consequently ought to hold its authority by a tenure of considerable duration," (p. 388).

"Another defect to be supplied by a senate lies in a want of due acquaintance with the objects and principles of legislation. It is not possible that an assembly of men called for the most part from pursuits of a private nature, continued in appointment for a short time and led by no permanent motive to devote the intervals of public occupation to a study of the laws, the affairs, and the comprehensive interests of their country, should, if wholly left to themselves, escape a variety of important errors in the exercise of their legislative trust," (p. 388).

"What indeed are all the repealing, explaining, and amending laws which fill and disgrace our voluminous codes, but so many monuments

*Madison.*

with the public happiness might betray their trust." *Debates*, 242.

"An obvious precaution against this danger would be to divide the trust between different bodies of men, who might watch and check each other." *Debates*, ibid.

"Another reflection . . . would be that they themselves, as well as a numerous body of representatives, were liable to err also from fickleness and passion." *Debates*, ibid.

"The use of the Senate is to consist in its proceeding with more coolness, with more system, and with more wisdom, than the popular branch. Enlarge their number, and you communicate to them the vices which they are meant to correct." *Debates*, 126.

"A necessary fence against this danger would be to select a portion of enlightened citizens whose limited number and firmness may seasonably interpose against impetuous councils." *Debates*, 242.

"The members (of the Senate) ought therefore to derive a firmness from the tenure of their places." Remarks on Jefferson's Draught of a Constitution for Virginia, *Writings*, I. 185.

"It would next occur to such a people, that they themselves were liable to temporary errors, through want of information as to their true interest; and that men chosen for a short time, and employed but a small portion of that in public affairs, might err from the same cause." *Debates*, 242.

"It [the Senate] ought to supply the defect of knowledge and experience incident to the other branch; there ought to be time given, therefore, for attaining the qualifications necessary for that purpose." Remarks on Jefferson's Draught, *Writings*, I. 185.

"Try the codes of the several states by this test, and what a luxuriance of legislation do they present. . . . A review of the several

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of deficient wisdom; . . . so many admonitions to the people, of the value of those aids which may be expected from a well-constituted Senate," (p. 388).

"A good government implies two things: first, fidelity to the object of government, which is the happiness of the people; secondly, a knowledge of the means by which that object can be best attained. Some governments are deficient in both these qualities; most governments are deficient in the first. I scruple not to assert, that in American governments too little attention has been paid to the last," (p. 389).

"From this change of men must proceed a change of opinions; and from a change of opinions a change of measures," (p. 389).

"The internal effects of a mutable policy are still more calamitous. It poisons<sup>1</sup> the blessings of liberty itself. It will be of little avail to the people, that the laws are made by men of their own choice, if the laws be so voluminous that they cannot be read, or so incoherent that they cannot be understood; if they be repealed or revised before they are promulgated, or undergo such incessant changes that no man, who knows what the law is to-day, can guess what it will be to-morrow," (p. 340).

"Another effect of public instability is the unreasonable advantage it gives to the sagacious, the enterprising, and the moneyed few over the industrious and uninformed mass of people. Every new regulation concerning commerce or

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codes will show that every necessary and useful part of the least voluminous of them might be compressed into one-tenth of the compass and at the same time be tenfold as perspicuous." Notes on the Confederacy, April 1787, *Writings*, I. 324.

"The want of fidelity in the administration of powers having been the grievance felt under most governments, and by the American States themselves under the British government, it was natural for them to give too exclusive an attention to this primary attribute." Letter to John Brown, August 1785, *Writings*, I. 177.

"A frequent change of men will result from a frequent return of elections; and a frequent change of measures from a frequent change of men." Number 37 of *The Federalist*, p. 218.

Cf. p. 455 *ad fin.*, also what follows it on "mutability of laws." "This evil is intimately connected with the former, yet deserves a distinct notice, as it emphatically denotes a vicious legislation. We daily see laws repealed or superseded before any trial can have been made of their merits, and even before a knowledge of them can have reached the remoter districts within which they were to operate." Notes on the Confederacy, April, 1787, *Writings*, I. 324.

"In the regulations of trade, this instability becomes a snare not only to our own citizens, but to foreigners also," *ibid.*

"The sober people of America . . . have seen with regret and indignation that sudden changes and legislative interferences, in cases affecting personal rights, become jobs in the hands of enterprising and influential speculators, and

<sup>1</sup> A favorite metaphor with Madison. Cf. *The Federalist*, p. 81, and p. 286; also *Writings*, II. 126 and 600; III. 360 and IV. 206.

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revenue, or in any manner affecting the value of the different species of property presents a new harvest to those who watch the change, and can trace its consequences.”

“But the most deplorable effect of all is that diminution of attachment and reverence which steals into the hearts of the people, towards a political system which betrays so many marks of infirmity and disappoints so many of their flattering hopes,”<sup>1</sup> (p. 391).

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snares to the more industrious and less informed part of the community.” *The Federalist*, No. 44, p. 278.

“By correcting the infirmities of popular government, it will prevent that disgust against that form which may otherwise produce a sudden transition to some very different one. . . . The real danger to republican liberty has lurked in that cause.” Remarks on Jefferson’s Draught, *Writings*, I. 185-6.

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*Number 63.*

The first topic is the need of a due sense of national character.

“Yet however requisite a sense of national character may be, it is evident that it can never be sufficiently possessed by a numerous and changeable body. It can only be found in a number so small that a sensible degree of the praise and blame of public measures may be the portion of each individual;<sup>2</sup> or in an assembly so durably invested with public trust, that the pride and consequence of its members may be sensibly incorporated with the reputation and prosperity of the community. The half-yearly representatives of Rhode Island would probably have been little affected in their deliberations on the iniquitous measures of that State, by arguments drawn from the light in which such measures would be viewed by foreign nations or even by the sister states,” (p. 392).

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Motives restraining a majority from injustice.

“Secondly. Respect for character. However strong this motive may be in individuals, it is considered as very insufficient to restrain them from injustice. In a multitude its efficacy is diminished in proportion to the number which is to share the praise and the blame.<sup>2</sup> Besides, as it has reference to public opinion, which, within a particular society, is the opinion of the majority, the standard is fixed by those whose conduct is to be measured by it. The public opinion without the society will be little respected by the people at large of any country. Individuals of extended views and of national pride may bring the public proceedings to this standard, but the example will never be followed by the multitude. Is it to be imagined that an ordinary citizen or even Assembly man of Rhode Island in estimating the policy of paper ever considered or cared, in what light the measure would be viewed in France or Holland, or

<sup>1</sup>Cf. Letter to Edmund Pendleton, February 24, 1787, *Writings*, I. 230; cf. also pp. 325, 333, 350 and 445, and *The Federalist*, p. 56, for similar expressions of the same idea.

<sup>2</sup>“Respect for character is always diminished in proportion to the number among whom the blame or praise is to be divided.” Madison, *Debates*, 118.

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"... such an institution may be sometimes necessary as a defence to the people against their own temporary errors and delusions," (p. 393).

"It may be suggested that a people spread over an extensive region cannot, like the crowded inhabitants of a small district, be subject to the infection of violent passions, or to the danger of combining in pursuit of unjust measures," (p. 394). The writer makes a cross reference to No. 10 [by Madison] for an elaboration of this theory.

The Senates of Sparta, Rome and Carthage.

"In each of the two first there was a senate for life," (p. 394).

## Carthage.

"... a smaller council, drawn out of the senate," (p. 395).

"Lastly in Sparta we meet with the Ephori, and in Rome with the Tribunes, two bodies, small indeed in numbers, but annually elected by the whole body of the people," (p. 396).

"... liberty may be endangered by the abuses of liberty, as well as by the abuses of power: ... and that the former, rather than the latter, are apparently most to be apprehended by the United States," (p. 397).

"In Sparta, the Ephori, the annual representatives of the people, were found an over match for the senate for life, continually gained on its authority and finally

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even in Massachusetts or Connecticut?" Notes on the Confederacy, April 1787, *Writings*, I. 326.

"It would next occur to such a people, that they themselves were liable to temporary errors." *Debates*, 242.

"It may be inferred that the inconveniences of popular states, contrary to the prevailing theory, are in proportion, not to the extent, but to the narrowness of their limits." Notes on the Confederacy, *Writings*, I. 327. Cf. also *The Federalist*, No. 10, p. 58.

## "Sparta

2 Kings,

28 senators,

Senate. 1. For life."

Additional Memorandum for the Convention of Virginia in 1788 on the Federal Constitution. *Writings*, I. 394.

## Carthage.

"Senate ... must have been great since the 100 drawn out of it," *ibid.*, p. 395.

## Sparta.

"Ephori, chosen annually by the people," etc. Additional Memorandum, etc., I. 394.

"It is of infinite importance to the cause of liberty to ascertain the degree of it which will consist with the purposes of the society. An error on one side may be as fatal as on the other. Hitherto, the error in the United States has lain in the excess." Letter to Mazzei, Dec. 10, 1788, *Writings*, I. 445.

"Ephori, chosen annually by the people and concurred in their behalf with kings and Senate, over both of whom they had authority. They . . . in fine, directed every-

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drew all power into their own hands," (p. 399).

"To these examples might be added that of Carthage, whose Senate, according to the testimony of Polybius,<sup>1</sup> instead of drawing all power into its vortex,<sup>2</sup> had at the commencement of the second Punic War lost almost the whole of its original portion," (p. 399).

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thing." Additional Mem., *Writings*, I. 394.

Carthage.

"Whilst Senate retained its authority, says Polybius,<sup>1</sup> wisdom and success marked everything. People at first gave way to Senate; at length, intoxicated by wealth and conquests, they assumed all power." Additional Mem., 1788, *Writings*, I. 399.

The evidence in favor of Madison's authorship of Nos. 62 and 63 is, it seems to me, absolutely decisive. Jay's authorship of No. 64 was finally established by finding a draft of the essay in his papers. It will hardly be denied that a considerable part of Nos. 62 and 63 has been found in Madison's writings. The evidence in regard to Nos. 51 and 53 is also convincing; and that in the case of Nos. 49 and 50 is confirmatory. The value of the evidence can be best appreciated by comparing it with that advanced in Hamilton's favor by his son.<sup>3</sup> It will also be remembered, in view of the direct conflict of testimony between Hamilton and Madison, that it is a question of memory and not of veracity. If the conjecture referred to on p. 446 be regarded with favor; that is, that Hamilton in haste and agitation wrote "37 to 48 inclusive by M." instead of "37 to 58," then his error in regard to Nos. 62 and 63 could easily be accounted for. He would in any case recollect the salient fact that he again took up the writing of the essays because Madison had to go to Virginia. Madison left New York March 4th. Nos. 59, 60 and 61, by Hamilton, were published February 22d and 26th. Hamilton might easily forget that Madison contributed two papers after he himself had begun to write again, just as he unquestionably did forget that Jay contributed No. 64 at that same time. That Hamilton's memory was at fault where his list differed from Madison's seems to have been the final conclusion of an exceptionally competent and friendly critic. Chancellor Kent, of New York, who was not only a friend of Hamilton's, but had listened to him in the New York Convention, and many times later in court, received from him once in Albany the assurance that the designation of the authorship

<sup>1</sup> I have not noticed any reference to Polybius in Hamilton. Besides the passage above, Madison quotes Polybius in *Writings*, I. 298, 347.

<sup>2</sup> A favorite metaphor with Madison. I have not noticed it in Hamilton's writings. For other examples in Madison's works, see *Federalist*, p. 309; *Debates*, pp. 372 and 399, and *Writings*, II. 465, and III. 246.

<sup>3</sup> See J. C. Hamilton's edition of *The Federalist*, pp. cx.-cxxxii.

of *The Federalist* in his possession was correct. Later, Chancellor Kent pasted a copy of the *Washington Gazette* list in his copy of *The Federalist* on a fly-leaf opposite the Hamilton list, and added: "Mem<sup>r</sup>. I have no doubt Mr. Jay wrote No. 64, on the Treaty Power. He made a speech on that subject in the N. Y. Convention, and I am told he says he wrote it. I suspect, therefore, from internal Ev[idence] the above to be the correct List, and not the one on the opposite Page."<sup>1</sup> The *Washington Gazette* list coincides with Madison's own list except in regard to Nos. 17, 20 and 21. It is clear then that Chancellor Kent in spite of Hamilton's assurance in regard to Nos. 50, 51, 52, 54-58, 62 and 63,<sup>2</sup> was led by the weight of internal evidence to suspect that the Madison lists assigned the authorship correctly. This change took place before the publication of Madison's *Writings* and perhaps before the publication of the *Journal* or the *Debates*. Such a change by one who was a friend of Hamilton and a careful student of *The Federalist* as well as a great lawyer is significant.

EDWARD GAYLORD BOURNE.

<sup>1</sup>Dawson's *The Federalist*, pp. cxl.-cxli.; J. C. Hamilton's edition, p. cxii., note.

<sup>2</sup>His Hamilton list assigned 49 and 53 to Madison.



## REPRESENTATION IN THE NATIONAL CONGRESS FROM THE SECEDING STATES, 1861-65

### II.

IN the Thirty-eighth Congress (1863-65) senators and representatives were admitted from the new state of West Virginia ; but none were admitted to either house from any state which was a member of the Confederacy. The committees favored admission in some cases, but the houses respectively refused to act, for reasons which may now be set forth.

Under the new apportionment act, Louisiana was entitled to five representatives instead of four. A bill had passed the lower house of the Thirty-seventh Congress redistricting the state and authorizing the "acting governors" to hold congressional elections at the times and places stated in the bill until the state legislature should meet and make other provisions.<sup>1</sup> But it failed in the Senate. As there was no legislature, no law could be passed redistricting the state. During the spring, summer and fall of 1863, Military Governor Shepley and his attorney-general, Mr. T. J. Durant, were working, though with great dilatoriness, on a scheme to call a convention to revise the Constitution and organize a state government, taking the ground that the reorganization of the state government must precede the election of congressmen. The opposition elements desired to hold an election ; but Governor Shepley would not call it, nor would General Banks interfere. In the opposition, however, were two very different factions : the pro-slavery party, which looked upon the Constitution of 1852, including the slavery clauses, as active in New Orleans and the other parts of the state excepted in the Emancipation Proclamation ; and an abolition, universal-suffrage party.

Though the latter party evidently included relatively few white men, it issued a call for an election. But Military Governor Shepley prohibited it. The prohibition was effectual save in a few suburban precincts. In these places polls were opened and an election was held on November 2, 1863, participated in by the negroes, for governor and other state officers to take office January 1, 1864, and for three representatives in the Thirty-eighth Congress. The governor thus "elected" qualified at once before a magistrate and furnished Messrs. Field, Cottman and Baker with certificates which

<sup>1</sup> *Cong. Globe*, 37 Cong., 3 sess., pp. 1483 et seq. (March 2, 1863).

they presented to Congress, claiming to represent respectively the first and second districts of the old apportionment, and the state at large.

Of course the election was neither full, fair nor free. On the motion to table the motion to refer to the committee, the vote was 74 to 101 (74 Democrats to 97 Republicans and 4 Democrats). The motion to refer then passed, 101 to 71, 98 Republicans voting in the affirmative and none in the negative. The committee unanimously reported adversely, and the house after debate sustained the report by a vote of 85 to 48 on a division. The committee in their report made much of the absence of any law redistricting the state under the new apportionment, and severely criticised the action of the federal appointees.

“It did not appear before the Committee whether the military governor acted in this matter in obedience to the orders of his superior or not; but sufficient was disclosed to show that the loyal men of that state are much divided, and their strength wasted in pursuing and combating abstract theories, and in nursing factions, constantly aiming for the ascendancy. And there was too much evidence that the government officials have been lending the influence of their official position to the advancement of these schemes. It is time there was an end to such proceedings.”<sup>1</sup>

This means, apparently, that though the election was clearly void, and was so reported, the members of the committee had learned of the officious, if not unconstitutional, behavior of certain federal appointees, which should be brought to the attention of Congress for such action as it might see fit to take. But the expression of the committee may not have been altogether impersonal and dispassionate. The report was made in January, 1864. That date is late enough to justify us in suggesting sympathy with universal suffragists as a motive operative with some members.<sup>2</sup> Moreover, the opposition to President Lincoln was considerable even within his own party; and such partisan interference by the President's appointees, appointed under questioned authority, would be enough to provoke a passing criticism.

In the cases thus far treated, representatives in Congress from individual districts were admitted (or rejected) regardless of the condition of the rest of the state. The remaining cases, both in the House and in the Senate, involve the question of the recognition of the state governments. The issue was precisely stated on the floor of both houses. It was real and important, not factitious or obstruc-

<sup>1</sup> The reader who desires exact references may obtain them by consulting the note at the end of the article.

<sup>2</sup> The House bill referred to in the note on page 461 declared “all free citizens,” otherwise qualified, to be legal voters; and not simply “all free white citizens.”

tive, for the Supreme Court had said in *Luther vs. Borden*:<sup>1</sup> "When the senators and representatives of a state are admitted into the councils of the Union, the authority of the government under which they were appointed, as well as its republican character, is recognized by the proper constitutional authority; and its decision is binding on every department of the government." It is notorious what questions of statesmanship and party expediency became involved, and how much passion was shown in the matter as time went on. We have here to study the broaching of the question, the precipitation of the struggle.

In no state was the response to President Lincoln's amnesty proclamation more prompt, full and spontaneous than in Arkansas. The state had not joined the Confederacy until after the call to arms in April, 1861. Missouri, on its northern boundary, was saved to the Union and the Mississippi River was opened to Vicksburg in the first half of 1862. After the fall of Vicksburg in July, 1863, a Union army occupied nearly the whole state. Though by no means free from Confederate guerillas and Confederate sympathizers, it was isolated from the heart of the Confederacy; its troops were drawn off to fight in the East, and its secession state government was banished to a remote corner of the state. There was not and could not be any local and state government except such as could be organized by those willing to act in the presence of the Union army and under its protection. As a matter of fact, the movement for the reorganization antedated the amnesty proclamation of December 8, 1863, by more than two months. But not until January, 1864, was a new constitution abolishing slavery adopted, and a state government organized. Two senators and three congressmen-elect applied for admission to Congress immediately thereafter.

On February 16th the House had under consideration the credentials of J. M. Johnson, from the third district. Mr. Henry Winter Davis (Md., Rep.), seconded by Mr. Boutwell (Mass., Rep.), and Mr. Stevens (Pa., Rep.), vigorously opposed their reference to the Committee of Elections in the usual way, because the more important question of the recognition of the state government of Arkansas would be made incidental to the subordinate question of the claimant's right to a seat. He finally moved to instruct the committee to investigate and report "whether there is any such existing organized government in the state of Arkansas as entitles the state and its people to be represented in the Congress of the United States." The instructions were rejected, 53 yeas to 104 nays (46 Republicans and 7 Democrats to 39 Republicans and 65 Democrats). The case was then sent to the committee.

<sup>17</sup> Howard, 1.

The attitude of the Democrats is significant. The members of the Committee of Elections, with the exception of Messrs. Smithers (Del., Rep.) and Upson (Mich., Rep.), whose minority report in a later case will be noticed in due time, voted against the instructions. Mr. Dawes urged that the only right and courteous thing to do was to give the claimant an opportunity to be heard. He further said: "I can see very well what grave questions are to trouble us in the discussion of this subject upon this floor. In the examination of the questions which come before the Committee on Elections, they have hitherto not found it necessary to involve those graver and more serious questions; and I trust they may be able to put them off still further." However, on June 28th, he reported from the committee a joint resolution, calling on the President to appoint a commission to visit the states in rebellion which should have taken measures to reestablish state governments, and to examine and report as early in the next session as possible the condition of affairs therein; and further resolving that: "Until Congress shall be satisfied upon evidence submitted to them that the rebellion has been so far suppressed in any such state that there has been established therein a state government, republican in form, and prohibiting the existence of slavery in the same, and so firmly established as to be able to maintain itself against domestic violence, representation from any such states ought not to be admitted into either branch of Congress." The minority, through Mr. Brown (Wis., Dem.), also submitted resolutions concluding with the resolve that if the claimants from Arkansas should satisfy the House "that in their election they departed in nothing from the Constitution and existing laws of the state, save in supplying requisite officers, and that they received a vote of a majority in their respective districts," they were entitled to seats.

On a motion to lay the whole subject on the table, the House divided, 45 yeas, 63 nays. On a motion to postpone until the first Monday of December, the yeas and nays were called and the motion was lost, 50 to 78 (one Republican and 49 Democrats to 75 Republicans and 3 Democrats). The question came up again on June 29th. After a speech from Mr. Brown in behalf of the minority report, the House laid the whole matter on the table, 80 yeas to 56 nays (41 Republicans and 39 Democrats to 32 Republicans and 14 Democrats).

Just before the report of the House Committee of Elections was made, the Senate had before it the credentials of Messrs. Fishback and Baxter, senators-elect from Arkansas, and a joint resolution recognizing the free state government of Arkansas. A lengthy dis-

cussion ensued in which various conflicting opinions were advanced upon the questions of constitutional interpretation and expediency involved. The President was criticised for presuming to interfere. It was also pointed out that this state and any others admitted in the immediate future would participate in the coming presidential election, and that the whole policy of the reorganization of all the rebellious states was involved, a consideration that contributed rather to appall the Senate than to solve the difficulty. A motion to lay on the table was defeated, 5 yeas to 32 nays (4 Republicans and 1 Democrat to 26 Republicans and 6 Democrats), and so the whole matter was referred.

The committee reported a recommendation that the resolution be not passed and that the claimants be not seated. Senator Trumbull, the chairman, is himself authority for the statement that they "sought to avoid in their report the controversial point" whether Arkansas was a state in the Union or not. Their recommendations were based on the ground that the body by which the claimants were elected was not "in a constitutional sense the legislature of Arkansas." The fact that less than one quarter as many voters took part in the reorganization of the state as usually participated in an election before the war was not fatal in itself. But the state was not free from military control, it was alleged, and there were loyalists who could not participate. The President had not "recalled his proclamation [July 13, 1861] which declared the inhabitants of Arkansas in a state of insurrection against the United States," and there was no evidence that the insurrection had been suppressed. While a portion of the state was actually in control of the enemies of the United States, other portions were only held in subordination to the laws of the Union by military force. "While this state of things continues and the right to exercise armed authority over a large part of the state is claimed and exercised by the military power, it cannot be said that a civil government, set up and continued only by the sufferance of the military, is that republican form of government which the Constitution requires the United States to guarantee to every state in the Union." The people of Arkansas must be able to act "by the aid of and not in subordination to the military" before their government can be recognized.

Plainly the military control most complained of was that exercised by the Union army. While the complaint may seem reasonable on its face, it would be incorrect not to see in it also some trace of jealousy of the administration by which the army officers were inspired to promote reorganization.

A motion, made by Mr. Wade (Ohio, Rep.) to postpone and

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take up H. R. 244, providing a form of government for the seceded states, was defeated, 5 yeas (all Republicans) to 28 nays (including 7 Democratic votes). The report of the committee was then adopted, 27 yeas to 6 nays (20 Republicans and 7 Democrats to 5 Republicans and one Democrat).

Meanwhile the people of Louisiana were reorganizing, with the assistance of General Banks. A full corps of state officers was chosen and took office in March, 1864. The military governor and his appointees retired before them. A convention was held, which revised the Constitution and abolished slavery; redistricted the state and called a congressional election to fill vacancies. In September the revised Constitution was ratified by popular vote and congressmen and a state legislature were elected. In October the legislature chose United States senators and in November it chose an electoral college which would vote for Lincoln. The electoral vote of the state was not counted, neither were the senators and representatives admitted. We must here limit ourselves to a consideration of the fate of the representatives and senators-elect.

All the cases were presented early in the session and properly referred. The House committee was the first to report, but only on February 11, 1865, after the joint resolution excluding the electoral vote of Louisiana, Arkansas, etc., had been passed by both houses. The majority report recommended that Mr. Bonzano be seated as a representative from the first district of Louisiana. The minority report, signed by Messrs. Smithers (Del., Rep.) and Upson (Mich., Rep.), recommended that he be not seated. On February 17th the committee reported favorably in two companion cases from Louisiana, the cases of Mr. Field, from the second, and Mr. Mann, from the third district; and also in two of the Arkansas cases referred to the committee in the former session, those of Messrs. Jacks, from the first, and Johnson, from the third district. The House took no action whatever on any of the cases. Our interest is directed to the reports of the committee.

The significant part of the majority report begins with a reference to Messrs. Flanders and Hahn, members of the Thirty-seventh Congress from Louisiana, whose admission "had a most salutary effect upon the people of the state," and promoted the desire for the resumption of state functions "throughout all that part of the state within our lines."

"This election depends for its validity," the report continues, "upon the effect which the House is disposed to give to the efforts to reorganize a state government in Louisiana." It is objected "that they neither originated in nor followed any preëxisting law of the

state or nation." But the committee show that there was no law in the state applicable to the extraordinary circumstances, nor any body capable of passing such a law, and that Congress has no constitutional authority to "pass an enabling act for the state." Hence "it follows that the power to restore a lost state government in Louisiana existed nowhere, or in the people, the original source of all political power in this country. The people, in the exercise of that power, cannot be required to conform to any particular mode, for that presupposes a power to prescribe outside of themselves, which it has been seen does not exist. The result must be republican, for the people and the states have surrendered to the United States, to that extent, the power over their form of government, in this that the United States shall guarantee to every state a republican form of government." The committee then considered whether the reorganization was the work of the people, and satisfied themselves "that a majority of not only the loyal people, but of all the people of the state participated."

But the minority members held a directly contradictory opinion. There was an overawing power, they said, and the great body of the loyal people "did not participate or clearly concur" in the action taken; and they make citations from the evidence submitted to the whole committee which support their position. The larger portion of the territory and perhaps half the population, they said, was outside the federal lines. Moreover, in New Orleans the faction that was supporting McClellan for the presidency and the Durant faction did not participate in the elections of September, 1864.

A study of the reports and the evidence leads me to the conclusion, not prejudiced, I sincerely hope, that while both reports state their conclusions in somewhat exaggerated terms, the main contention of the majority, that the state government as organized was the choice of the majority of the loyal people, by expression or acquiescence, and that it could maintain itself against "domestic" violence, is clear enough.

The report of the Committee on the Judiciary, in the case of Messrs. Smith and Cutler, senators-elect from Louisiana, was laid before the Senate almost immediately. It is sufficient to quote the concluding paragraphs:

"The persons in possession of the local authorities of Louisiana having rebelled against the authority of the United States, and her inhabitants having been declared to be in a state of insurrection in pursuance of a law passed by the two houses of Congress, your committee deem it improper for this body to admit to seats senators from Louisiana till by some joint action of both houses there shall be some recognition of an



existing state government acting in harmony with the government of the United States and recognizing its authority.

"Your committee, therefore, recommend for adoption, before taking definite action upon the rights of the claimants to seats, the accompanying resolution :

*"Resolved, etc., That the United States do hereby recognize the government of the state of Louisiana, inaugurated under and by the convention which assembled on the sixth day of April, A. D. 1864, at the city of New Orleans, as the legitimate government of said state, entitled to the guarantee and all the rights of a state government under the Constitution of the United States."*

On Friday, February 24th, the resolutions came up for discussion. Practically the whole of the night session, more than half of the morning session and nearly the whole of a protracted night session on Saturday, February 25th, and nearly an hour on Monday morning, February 27th, were devoted to them. Senator Sumner moved to substitute resolutions which, among other things, offered both political and civil rights regardless of color or race. It was further moved to amend the substitute by adding the word "or sex;" and on this ridiculous amendment to an amendment the sense of the Senate would have been first taken had the resolutions ever come to a direct vote. The majority of the senators present Saturday night were ready to come to a final vote. But there was opposition; five times the yeas and nays were called on motions to postpone or adjourn. Nineteen senators were absent and 31 present; of whom 7 Republicans and 5 Democrats, including Mr. Powell (Ky.), the only Democratic member of the Committee on the Judiciary, voted in the affirmative; and 2 Democrats and 17 Republicans voted in the negative, including all the Republican members of the committee save one, who if present would undoubtedly have voted nay also.

Senator Trumbull charged the Republican members of the minority with factious obstruction. Senator Sumner, to whom the remarks were particularly addressed, repudiated the charge of factiousness, but insisted that the Senate could not be brought to a vote that night. "Parliamentary law is against" it; "and the importance of the measure justifies a resort to every instrument that parliamentary law supplies." When the Senate finally adjourned (without division) the measure was left as unfinished business. The impression made by the votes and the debate is that the resolutions of the committee would have passed that night if they had been brought to a vote.

On Monday morning, February 27th, at noon, with just five days more before the close of Congress and with five important bills, the internal revenue bill, the Indian appropriation bill, the civil appro-

priation bill, a tariff bill and the army and navy appropriation bill still unfinished, Senator Sherman, chairman of the Finance Committee, moved to pass over the unfinished business and take up the special order for the day, the internal revenue bill. Mr. Trumbull fought for nearly an hour against postponement, on the ground that the resolution could be disposed of in a few hours more, but Senator Sherman's motion prevailed, 34 to 12. Nine of those who voted nay on Saturday voted yea on Monday. The resolutions were never again reached. Their importance was fully recognized. But it was undoubtedly true, as alleged in debate, that some wanted universal suffrage or nothing, others were convinced that it was a very serious question what to do with the free negro, a question on which they hardly knew their own minds, neither was there an expression by the country as yet; it could hardly be expected that the resolutions would pass the house in the press at the close of this final session of the Thirty-eighth Congress; the matter would surely come up early in the next Congress in some form; and the financial measures were very urgent. On March 3d the committee asked to be discharged from the consideration of a resolution recognizing the government of Arkansas.

It is proper to stop here. We have followed the earlier period of reconstruction practically to its close. During the summer of 1865 President Lincoln's policy was extended by his successor. A number of congressmen and senators were ready to apply for admission in December. But it was more than ever apparent that presidential reconstruction in the seceding states would result presently in putting the state governments into the hands of men who had taken part in the war, into the hands not of consistent loyalists but of men who, though they could take the amnesty oath without perjury, had not laid down arms until military necessity drove them to it; who four years before had heartily undertaken the defense of the new Confederate government. Doubts as to trusting the management of the free negroes to them might easily arise; and action that would commit the state governments to their control beyond the power of Congress to recall might well be adopted with caution by the party which had fought to save the Union and free the slaves. The Joint Committee on Reconstruction was appointed by the Thirty-ninth Congress immediately after it assembled and everything relating to the reorganization of the seceding states and the admission of representatives and senators was made to wait upon their report. They reported in the spring of 1866, and legislation was soon passed taking the initiative out of the hands of the President and of the people of the states and regulating the matter by national

law. This break in the continuity of development makes the close of the Thirty-eighth Congress the end of a period.

FREDERICK W. MOORE.

#### NOTE.

Applications for admission to the National Senate and House of Representatives from the Seceding States during the Thirty-eighth Congress, 1863-1865.

The border States—Delaware, Maryland, Kentucky and Missouri—are omitted from the list and are not considered in the main article, since the contests from them involved, in the main, a very different set of considerations.

Senate, Thirty-eighth Congress, First Session, December 7, 1863.

L. J. Bowden, of Virginia, succeeded W. T. Willey, resigned, at the special session of the Senate, March 4, 1863. *Cong. Globe*, 37 Cong., 3 sess., p. 1553.

Waitman T. Willey and P. G. Vanwinkle, of West Virginia. Their credentials were received and they were admitted December 7, 1863. *Cong. Globe*, 38 Cong., 1 sess., p. 1.

W. M. Fishback and E. Baxter, of Arkansas, on June 13, 1864, were refused seats. *Cong. Globe*, 38 Cong., 1 sess., pp. 2392, 2458, 2586, 2842, 2895-2906, 3285, 3360-3368; *Cont. Elec.*, 641; *Senate Reports*, 38 Cong., 1 sess., No. 94.

Second Session, December 5, 1864.

Joseph Segar, of Virginia. His credentials as senator to succeed L. J. Bowden, deceased, were received and laid on the table, February 17, 1865. *Cong. Globe*, 38 Cong., 2 sess., pp. 845, 849.

R. King Cutler and Charles Smith, of Louisiana. Their credentials were promptly referred to the committee, which reported on February 18, 1865, a joint resolution recognizing the free state government of Louisiana. On February 27 the resolution was postponed and never again reached. *Cong. Globe*, 38 Cong., 2 sess., pp. 5, 8, 903, 1011, 1091, 1101, 1128; *Cont. Elec.*, 643; *Senate Reports*, 38 Cong., 2 sess., No. 127.

Michael Hahn, of Louisiana. His credentials were received March 2, 1865, and laid on the table. *Cong. Globe*, 38 Cong., 2 sess., p. 1278.

Senate, Special Session, March 4, 1865.

William D. Snow, of Arkansas. His credentials were referred March 8th to the Committee on the Judiciary, which next day reported recommending "that the question of the admission of Mr. Snow to a seat be postponed till the next session of Congress, and until Congress shall take action in regard to the recognition of the alleged existing state government in Arkansas." The recommendation was agreed to. Thereupon

the credentials of John C. Underwood, of Virginia, were presented, the credentials of Messrs. Segar and Hahn were again presented, and all were postponed until the next session. *Cong. Globe*, 38 Cong., 2 sess., pp. 1427-1434. *Senate Reports*, 38 Cong., 2 sess. (Special Session).

House of Representatives, Thirty-eighth Congress, First Session,  
December 7, 1863.

A. P. Field, from the first district of Louisiana, Thomas Cottman, from the second, and Joshua Baker, from the state at large. All three names were entered on the roll by the clerk. Field and Baker took part in the election of speaker, but on a yea and nay vote their cases were sent to the Committee of Elections and they were not allowed to be sworn in. Mr. Baker seems never to have pressed his claims. Mr. Cottman soon resigned. The committee recommended that Mr. Field be not seated, and the House so ordered, February 9, 1864. *Cong. Globe*, 38 Cong., 1 sess., pp. 4, 5, 6, 7, 8, 33, 332, 411ff., 543ff.; *Cont. Elec.*, p. 580; *House Reports*, 38 Cong., 1 sess., No. 8.

Joseph Segar, from the first district of Virginia, was refused a seat, May 17, 1864. *Cong. Globe*, 38 Cong., 1 sess., pp. 6, 12, 332, 2311-2323, 2424; *Cont. Elec.*, p. 577; *House Reports*, 38 Cong., 1 sess., No. 9.

Lewis McKenzie *vs.* B. M. Kitchen, from the seventh district of Virginia. Both were refused seats. G. C. Smith (Ky., Rep.) made a minority report recommending that Mr. Kitchen be seated. The cases were disposed of February 26 and April 16, 1864, respectively. *Cong. Globe*, 38 Cong., 1 sess., pp. 6, 18, 37, 847ff., 1673ff., 2424; *Cont. Elec.*, p. 468; *House Reports*, 38 Cong., 1 sess., No. 14.

L. H. Chandler, from the second district of Virginia, was refused a seat, May 17, 1864. *Cong. Globe*, 38 Cong., 1 sess., pp. 6, 12, 1854, 2311-2323, 2424; *Cont. Elec.*, p. 520; *House Reports*, 38 Cong., 1 sess., No. 59.

M. F. Bonzano from the first district, W. D. Mann from the second, T. M. Wells from the third, R. W. Taliaferro and A. P. Field, all from Louisiana. The claims of Messrs. Wells and Taliaferro were never reported on. It does not appear that they were ever present. The committee reported favorably in the case of Mr. Bonzano, February 11, 1864, and in the case of Messrs. Field and Mann, February 17th. But the House did not take up the reports. *Cong. Globe*, 38 Cong., 1 sess., pp. 2, 3, 756, 870, 1395; *Cont. Elec.*, pp. 583ff; *House Reports*, 38 Cong., 1 sess., No. 8.

T. M. Jacks from the first, A. C. Rodgers from the second and J. M. Johnson from the third district of Arkansas. Their credentials were presented in the first session of the Thirty-eighth Congress. At the next session Messrs. Jacks and Johnson were recommended for admission. No action was taken. *Cong. Globe*, 38 Cong., 1 sess., pp. 574, 680, 884, 2253, 2289, 3178, 3389, 3423, 3517, 3527; 38 Cong., 2 sess., pp. 870, 1395; *Cont. Elec.*, p. 597; *House Reports*, 38 Cong., 1 sess. (probably not printed); 38 Cong., 2 sess., No. 18.

## DOCUMENTS

[Under this head it is proposed to print in each issue a few documents of historical importance, hitherto unprinted. It is intended that the documents shall be printed with verbal and literal exactness, and that exact statement be made of the present place of deposit of the document and, in the case of archives and libraries, of the volume and page or catalogue number by which the document is designated. Contributions of important documents, thus authenticated, will be welcomed.]

### *1. Emigration from Yorkshire to West Jersey, 1677.*

The two letters which follow are from the letter-book of Sir John Reresby, now in the Bodleian Library at Oxford. Its reference number is Rawlinson MS. D. 204, and the letters are to be found on folios 64 b and 66 b. The second letter is undated, but was evidently written much about the same time as the earlier one. In his printed *Memoirs*, edited by Mr. J. J. Cartwright in 1875, and also published in a more abridged form in 1734 and 1813, Reresby does not refer to this emigration. The Earl of Danby to whom the first letter was addressed was appointed in 1674 Lord Lieutenant of the West Riding of Yorkshire, and immediately after his appointment had commissioned Reresby as Deputy Lieutenant (*Memoirs*, p. 93.)

C. H. FIRTH.

#### I.

(MS. Rawl. D. 204, fol. 64 b.)

JULY 17, 1677.

To Thom. Earle of Danby Ld. high Treasurer  
of England.  
May it please y<sup>r</sup> Lordship

(fol. 65) My Lord I thought it my duty to offer another matter to y<sup>r</sup> Lordships Consideration viz<sup>t</sup> severall persons with their wiues and children (in all to near the number off 200) many of them Quaquers and other dissenters inhabitants about sheffield and the adjoining parts of Nottinghamshire and Darbysh<sup>r</sup> haue lately gone and are euery day as yet going by the way of Hull to transport themselues to an Island in America called west Jarsey, and are dayly followed by others upon the same design; Insomuch as soe many leauing the Country together giues some discouragement to thes parts, that suffer already ffor want of people; Others going from us frequently for London Ireland and other plantations.

*Emigration from Yorkshire to West Jersey, 1677* 473

One of the Menagers of this Affair (whom I bound ouer to the last sessions for enticeing away servants from their masters) owned publicly that they had noe leaue from his Ma<sup>y</sup> or the Council to depart the realme; that they had purchased the Island being 200 Miles in length and 60 Miles ouer for 1500 of his [fol. 65 b] Highness the D. of York; that it was as yet uninhabited, but that He hoped it would be peopled in a short time soe as to giue a good Account of their Adventure.

My L<sup>d</sup> if his Maiesty thinke fitt to discourage this enterprise I humbly conceiue it will be necessary that a speedy stop be put to all ships bound for that island from Hull and if y<sup>r</sup> Lordshp. please to order me to giue y<sup>a</sup> any further Account as to the names of the undertakers or any other perticulers, I shall doe the best I can to inform my selfe of them, and to obserue y<sup>r</sup> Lordsh<sup>ps</sup> Commands therin that am y<sup>r</sup> serv<sup>t</sup>.

J. R.

We meet on Thursday next at Pontefract in order to the settling of the Militia: This side of the Country is well pleasd w<sup>th</sup> the sum giuen his Ma<sup>y</sup> and pays it w<sup>th</sup> all willingness.

II.

(Rawlinson MS. D. 204, fol. 66 b.)

9 br. the 20: 77.

To S<sup>r</sup> Jo. Worden secretary to his highness  
the Duke of Yorke.

S<sup>r</sup>

Though the matter be of noe great concern I thought it was my duty to suffer nothing to pas here wherin his Royall Highness is the least concerned without his knowledge and therefore offer this to you to inform His highness therewith as y<sup>a</sup> shall see caus: &c.

Seuerall persons from parts here adjacent to the number of near 200 (besides others preparing to goe the next Spring) haue this last year gone from Hul Scarbrough and other ports, under pretence of planting themselves in an Island called new Jersey or west Jersey in America; The principall of them are sectaries but the rest able servants and Labourers, [fol. 67] engaged many of them by the undertakers without their masters or Parents consent. Insoemuch that (soe many departing together, out of a country in great want of people already, and in such a manner) seuerall Complaints were made to the Just<sup>es</sup> of the peace, who bound one Ric: Mathews of Sheffield<sup>1</sup> a Quaker and a cheif undertaker to appear at the next sessions for the west riding to answer his proceedings wher not being able to shoue that he had any leaue or Authority for thus transporting the Kings subjects He was from thenc bound ouer to the next Assizes at Yorke to make his defence. Since the sd Sessions held at Barnsley the 12 Oct. last past He the s<sup>d</sup> Mathews came here to me upon the 24 of Oct. and

<sup>1</sup> The name of Richard Mathews is found among those signed to "The Concessions and Agreements of the Proprietors Freeholders and Inhabitants of the Province of West New Jersey in America," March 3, 1677. *New Jersey Archives*, I. 268.—ED.

offered to produce a Copie of a purchass of the sd. Island from [fol. 67 b] his highness the Duke of Yorke to certain persons under whom he claims pretending by that a Libertie or licence by Implication to send ouer inhabitants to plant the same ; the Island being only bought to that vse and purpas.

S<sup>r</sup>. If the Conuayance be from his R. Highness and under such a Condition, I should be glad to receiue his plesure therein before o<sup>r</sup> next sessions soon after Xmas wher the Recognisance for the said Mathews his appearance or further trouble at the Assizes may be withdrawn, or his Highness may please to giue order to the Judges of Assize for the discharge of it ther what commands his Highness shall thinke fitt to direct to me in this or any other perticular shall be duely obserued by

Yrs.

J. RERESBY.

2. *Carondelet on the Defence of Louisiana, 1794.*

The following document is a letter from Baron Carondelet, governor of the provinces of Louisiana and West Florida, to his captain-general, and enclosed in a letter from Carondelet to the Duke of Alcudia, first secretary of state, etc., December 1, 1794 (No. 48 Secret; *Archivo general central en Alcalá, Estado*, Legajo 3897). The letter is translated by Professor W. F. Giese, of the University of Wisconsin, from the copy secured in 1883 for the Draper Collection (39 Clark MSS., p. 16) of the State Historical Society of Wisconsin, and kindly furnished by Mr. Reuben G. Thwaites, Secretary of the Society. The document shows the governor's preparations for resisting the proposed French expedition against New Orleans, in 1793-1794, projected by the minister Genet, with George Rogers Clark in command of the Kentucky forces. The full collection of the Draper manuscripts, so far as they illustrate this expedition, will appear in the forthcoming report of the Historical Manuscripts Commission ; but this letter is separately published as being less directly concerned with the Clark-Genet project, and as revealing the ideas of the Spanish authorities with respect to the advance of the American frontiersmen ; the Spanish plans for resisting an attack by river and sea ; the military condition of Louisiana posts in 1794 ; the Spanish opinion concerning the boundaries of Louisiana ; and the effort of Carondelet to secure an exploration up the Missouri to the Pacific ocean, prophetic of Lewis and Clark's expedition.

The letter is followed in the original by an enclosure of four or five thousand words, giving additional data regarding the strategic value of the separate posts, their armament ; amounts necessary to place them in order ; distances, etc.



The maps referred to in the letter are not in the Draper Collection. But excellent maps and plans of the fortifications mentioned on the Mississippi were made by General Collot for the French government in 1796, and are published in the atlas accompanying Collot's *Journey in North America*, Paris, 1826.

FREDERICK J. TURNER.

CARONDELET TO ALCUDIA.

NEW ORLEANS, NOV. 24, 1794.

Baron de Carondelet gives detailed information concerning the condition and strength of Louisiana, the respective situation of its strongholds, forts and points of vantage, etc.

No. 129. Most Excellent Sir,

In compliance with your order of the 16th of last June, in which your Excellency requests me to send the most detailed information obtainable concerning the condition and strength of Louisiana, the respective situation of its strongholds, forts and points of vantage, and other particulars that must be known in order that the plan of defense suited to the circumstances of this province may be examined by a body of generals, in conformity with the wishes of His Majesty; I have ordered the accompanying map to be drawn up, in accordance with the most trustworthy representations obtainable since I took possession of this government: for all the maps printed in England, in the United States, and in France are absolutely false, particularly as to the course of the Misisipi<sup>1</sup> and Misuri rivers, while at the same time those settlements both Spanish and American which date since its publication, are necessarily omitted.

Louisiana, which extends from 29° North latitude to beyond the fiftieth parallel, comprises about a thousand leagues, between the mouths of the Misisipi or the Ocean and the source of the former; a boundary incontestably acknowledged by England in the sixth article of the treaty of peace of 1763, by virtue of which Spain can contest with the English and Americans the commerce they are carrying on with the savage tribes living above the 44th parallel; but I consider that the attention and efforts of Spain must be confined to the conservation of the control of the Misisipi as far as the river St. Peter,<sup>2</sup> situated in the same latitude; in the meantime the growth of the population of the settlements of Illinois,<sup>3</sup> which must be considered as yet only in their infancy, will not admit of rivalry with the English of Canada, and particularly with the Americans, who, advancing with incredible rapidity toward the North and the

<sup>1</sup> The spelling of proper names in the original has been preserved in the translation when this would cause no mistake or uncertainty.

<sup>2</sup> *San Pedro*.

<sup>3</sup> *Illinoi*.

Misisipi, will assuredly force Spain to recognize the Misuri as the limit within a short time, and perhaps they will pass beyond it unless the plan is adopted which I have proposed to his Majesty in reserved communication No. 36, of June 3rd last, sent through the Ministry of State.

In case Louisiana did not extend beyond the Misuri, it would suffice to glance at the map to be convinced of its importance for the preservation of the interior provinces of New Spain and of the kingdom of Mexico, which the Misisipi and Misuri rivers enclose<sup>1</sup> from the Gulf almost to the South Sea ; at least, from the reports of various traders and travellers who have lately penetrated by the Misuri among the savage tribes, of which we had scarcely any knowledge, it is to be inferred that this great river, navigable throughout, rises at a slight distance from a chain of very high mountains which are not over forty leagues distant from the South Sea ; and it is even supposed that there rises at the foot of these mountains another large and navigable river, which empties into this sea. I hope we shall soon have information regarding this matter, through the efforts of the company of explorers just established in San Luis de Illinoia,<sup>2</sup> and the reward which I have promised to the one who, following the Misuri, shall penetrate to the above-mentioned sea and bring certain news concerning the situation and strength of the Russian settlements, in case they approach that part of the coast.

When France ceded Louisiana to Spain in '62, it did not comprise more than sixty leagues on the eastern bank of the Misisipi, from its mouth to Iberville,<sup>3</sup> and on the western bank a thousand from the mouth of the river to the comparatively unknown source of the same.

The total population of Louisiana amounted to scarcely 17,000 souls ; its commerce was carried on with six vessels and was limited to indigo and furs : Louisiana, therefore, in the hands of the French, was almost a nonentity, and although its inhabitants carried on some contraband operations in the Gulf, (the only branch of industry yielding a profit capable of arousing their avidity,) on account of the close alliance of France with Spain, they did not dare to penetrate into the interior provinces nor to undertake contraband enterprises on the sea capable of giving rise to complaints on her part.

By ceding this province the French got rid of a territory which the vicinity of the English and their commercial rivalry made them despair of rendering fruitful and of preserving, while its possession was rendered highly onerous to them by the cupidity of governors and other functionaries.

At the time of this cession and subsequently, while the English ruled what at present forms the United States of America, Louisiana did not deserve particular attention from the Spanish government ; because the English, satisfied with their numerous possessions on this continent as well as with the lucrative contraband enterprises facilitated by the navigation

<sup>1</sup>*Circumvalan.*

<sup>2</sup> St. Louis, Mo.

<sup>3</sup> *Iberville.*

of the Misisipi and of the Lakes to their settlements of Manchak, Baton Rouge and Natchez, never thought of penetrating into the interior provinces and through their activity and contraband traffic the province was kept in the same state of torpor and poverty as before, so that its revenue did not exceed 115 dollars.<sup>1</sup>

The North American revolution and the taking of the forts of Manchak, Baton Rouge, Natchez, Mobile and Pensacola, entirely changed the state of things on this continent. Spain, when peace was made, acquired an immense territory, since from San Luis de Ilinoia to the extremity of Florida is a distance of over 692 leagues: a territory in Louisiana, rich, fertile and watered by innumerable navigable rivers emptying into the sea, so that agriculture and commerce on a vast scale are here possible. Indigo inferior to that of Guatemala but superior to that of Caracas; cotton of very good quality but not very abundant; sugar-cane for making molasses; rice of superior quality; maize; timber for masts or building; these are the products of lower Louisiana; grain, sufficient in time for supplying our islands; tobacco, equal to that of Virginia; maize, barley, salt meat, rich and abundant furs, lead mines on the surface of the earth, such are the products of upper Louisiana. The population of both consists now of 40,000 industrious and warlike people for whose commerce and supplies a hundred vessels a year are insufficient.

These great advantages are counterbalanced by the immoderate ambition of a new people, adventurous and hostile to all subjection, who have gone on gathering and multiplying in the silence of peace and almost unnoticed, with a prodigious rapidity, since the recognition of the independence of the United States up to this date. They began with those soldiers to whom, as a reward for their services in the war of independence, were given the uncultivated lands of Kentucky and of the southern bank of the Ohio. The fertility of the soil, the charms of the climate, the promising navigation of the Misisipi and the Ohio, the spirit of insubordination and the revolutions of Europe attracted so many people to Kentucky and to the lands west of the Alegany and Apalache mountains, that the vast territory, which in 1780 was uninhabited, already comprises three states and various settlements, whose total population exceeds 50,000 men capable of carrying arms and is increasing annually by the addition of more than 10,000 emigrants from Europe.

This vast and restless population, progressively driving the Indian tribes before them and upon us, seek to possess themselves of all the vast regions which the Indians occupy between the Ohio and Misisipi rivers, the Gulf of Mexico and the Apalache mountains, thus becoming our neighbors at the same time that they demand with menaces the free navigation of the Misisipi. If they achieve their object, their ambitious projects will not be confined to this side of the Misisipi; their writings, public papers and speeches all turn on this point, the free navigation to the Gulf by the rivers Misisipi, Mobile,<sup>2</sup> Pearl<sup>3</sup> and Apalachicola which empty

<sup>1</sup> Original is not clear here; possibly 1,150 pesos, or the last figure might be an 8 or 9.

<sup>2</sup> *Mobile*.

<sup>3</sup> *Perla*.

into it, the rich fur trade of the Misuri, and in time the possession of the rich mines of the interior provinces of the very kingdom of Mexico. Their mode of growth and their policy are as formidable for Spain as their arms: every new settlement amounting to 30,000 souls forms a state, which is included in the United States as regards reciprocal protection, but which governs and taxes itself. Their roving spirit and the readiness with which these people procure sustenance and shelter, facilitates rapid settlement. A rifle<sup>1</sup> and a little corn-meal in a bag is sufficient for an American wandering alone in the woods for a month; with the rifle he kills wild cattle and deer for food and also defends himself against the savages; the corn-meal soaked serves as bread; with tree-trunks placed transversely he forms a house, and even an impregnable fort against the Indians, building a second story above the first. The cold does not terrify him, and when a family grows weary of one locality it moves to another and settles there with the same ease. In this manner and in eight years has grown up the settlement of Cumberland, which is about to declare itself a state.

If such men come to occupy the banks of the Misisipi and Misuri, or secure their navigation, there is no doubt that nothing will prevent them from crossing and penetrating into our provinces on the other side, which being to a great extent deserted can not oppose any resistance. But, even if they were not so, who shall warrant that their few inhabitants will not unite with joy and eagerness with men, who, offering them their help and protection for the securing of independence, self-government and self-taxation, will flatter them with the spirit of liberty, the hope of free, extensive and lucrative commerce, etc.? In my opinion, a general revolution, in America, threatens Spain, unless a remedy be applied promptly and forcibly. I am aware that being involved in so burdensome a war, Spain can with difficulty devote attention to this matter, however important; but, the evil being as yet only in its beginning, I consider that a provisional remedy may be resorted to which will forestall these prejudicial results until a more favorable time permit a radical cure.

I have clearly shown, in several communications addressed to his Excellency the Duke de Alcudia, that all the power of the Atlantic states is insufficient to restrain those of the west who are resolved to secure by force of arms the navigation of the Misisipi and to separate themselves from the former, in case they seek to oppose their project, by declaring themselves independent or by uniting with Canada. I have shown the moral impossibility in which Spain is placed, of attacking the Kentuckians and other Western settlers in their own country; but at the proper time I have proposed the means of protecting Louisiana from their projects and of devastating all their possessions, by means of our allies the Chactas,<sup>2</sup> Chicachas,<sup>3</sup> Crips<sup>4</sup> and Cheroquies,<sup>5</sup> who, fearing the irruptions of the Americans, will be disposed, provided always they be incited with presents and arms, to levy the most destructive warfare.

With two Spanish regiments complete in addition to the fixed forces

<sup>1</sup> *Carabina*.

<sup>2</sup> Choctaws.

<sup>3</sup> Chickasaws.

<sup>4</sup> Creeks.

<sup>5</sup> Cherokees.

of the province, 150 gunners, the six galleys and two galiots already existing, well-manned, and an addition of a hundred thousand dollars annually to the Indian budget for the purchase of arms, ammunition and presents necessary in order to employ the tribes effectually, I answer for Louisiana and for the exclusive possession of the Misisipi river by Spain, against all the power and all the forces of the American states, whether united or separated from the Atlantic states; but for this purpose, it is necessary to increase promptly the defenses of New Madrid and Nogales<sup>1</sup> with earthworks, until his Majesty decide on the construction of those to be fully described hereafter.

After taking these provisional measures, if to Kentucky and to the other western settlements be offered war on the one hand and peace on the other, on the conditions set forth in private communication No. 36 which I sent to his Excellency the Duke de Alcudia, I am persuaded that the tempest which threatens Louisiana and the other Spanish possessions in America will for some years be dissipated; and will even be so permanently, if approval is given to the plan of free commerce with the friendly tribes as proposed in the same communication, as it is certain that Louisiana will in a few years equal or perhaps surpass in fertility, cultivation, commerce and wealth, the American states of the West. Spain will find in its inhabitants an active force, composed of brave and warlike men, equally fitted for service by land or sea, and which can be employed in case of war against any power except France; for expeditions in America and particularly for the defense of the island of Cuba and of the kingdom of Mexico; the royal revenues which have scarcely amounted to 90,000 dollars hitherto, and which will possibly fall below 60,000 this year, as I predicted on seeing the new regulation that has been published, will pay the outlay of the royal Treasury in full within ten years, even though estimated at 700,000 dollars.

Recurring to the defensive plan which it seems to me indispensable to adopt at present, when the American states of the West, about to convene in an assembly, are seeking to profit by the opportunity offered them by the present war against France, to open the Misisipi for themselves, I am of the opinion that our settlements from the Misuri river to New Madrid should be protected by a regiment, the first battalion being stationed in San Luis de Ilinoia, and the second in New Madrid, dividing between them the forty leagues intervening on the western bank of the Misisipi, so as to prevent by a few small detachments the incursion of scattered bands that might cross the river, and maintaining in the settlement of Saint Genevieve,<sup>2</sup> the center of this extension, a strong detachment from both battalions, to restrain the settlement of Kaskaskias which lies opposite. This cordon, or line, supported on the right by the fort of New Madrid, on its left by that of San Luis de Ilinoia, and in its centre by that of Saint Genevieve, would allow sufficient time for the militia,

<sup>1</sup> Walnut Hills, Vicksburg. This fort was begun in 1790 to resist the Yazoo Company.

<sup>2</sup> *Santa Genoveva.*

who are all soldiers, to come up by land to the points of attack, since the journey from New Madrid to San Luis is made on horseback in four days. The savage tribes the chavanones, abenakis, cheroquis and osages<sup>1</sup> would form a second line of defence of 1500 men at least, who would not allow any hostile party to pass. Finally, four galleys and some very light craft armed with cannon, would guard the front of the line and the passage of the river, with all the more superiority, as the enemy has no port whatever on the Misisipi in which to build boats of equal force.

The same four galleys would guard the mouth of the Ohio, through which the enemy, when the water is high, can come down in force with an expedition formed on the same river, which is distant only ten leagues from the fort of New Madrid; and its fires not being sufficient to prevent their passing, they could advance straight to the fort of Nogales, whose possession would open to them the whole of lower Louisiana as far as the capital, and would furnish them the means of undertaking the siege of the same.

The stationing of the galleys at New Madrid not only renders this project impossible, but lays the enemy open to a complete repulse on their entry into the Misisipi, on account of the superior artillery carried by these boats, and on account of the advantage they must expect in a combat engaged under the protection of the fire of the troops, militia, and savages from the western bank, without any danger to them.

Assuming, however, that the combat should be decided in favor of the enemies, the same galleys would find their retreat secured under the cannon of New Madrid, which the enemy would be forced to besiege, since if it was decided to descend to Nogales, leaving New Madrid behind, the galleys would go in pursuit and would be protected in the Exores à Margot<sup>2</sup> by the fires from both banks, *i. e.* those of the Chicachas, who could occupy the heights with more than a thousand warriors, while our Indians were pouring volleys of musketry from the opposite shore, so that they would certainly expose themselves to being completely routed.

This explanation shows the necessity of fortifying in the most serious fashion the fort of New Madrid,<sup>3</sup> as it must necessarily be the first object of attack on the part of the enemy. If garrisoned with a battalion, with suitable 12-pound artillery, thirty artillerymen, two hundred militiamen, and protected by some 1500 Indians who can harass the enemy during the siege by occupying the vicinity, molesting their men when they go in search of fagots, wood, etc., it can hold a long time against all the efforts of the enemy and consequently allow sufficient time for gathering the forces of upper Louisiana and attempting with their aid to raise the siege.

<sup>1</sup> Shawnees, Abenakis, Cherokees, Osages?

<sup>2</sup> Near Chickasaw Bluff, Memphis, Tenn. Compare Ford's *Jefferson's Writings*, VII. 335-336, for Jefferson's ignorance of location of "*Ecores amargas*."

<sup>3</sup> Established in 1789.



Exores        Assuming that the enemy succeed in their attack on  
à        New Madrid, if the galleys succeed in withdrawing,  
Margot.       favored by the current of the river, they can lie in wait for  
             them in the above-mentioned Exores à Margot situated  
             forty leagues below, which passage, dominated by heights  
             that are prolonged on the eastern bank of the river, for a  
             distance of twenty leagues, will be (provided always that  
             the Chicachas be willing to defend it,) exceeding difficult  
             to force since the currents carry the boats precisely toward  
             those heights.

Whoever can secure from the Chicacha tribe sufficient land for building a fort on the height situated between the Casas and Carondelet rivers, will undeniably be master of the navigation of the Misisipi from New Madrid to Nogales; and if the Americans are frustrated of the hope of making this establishment, long since planned by them, and of which they have even made a survey and will assuredly hesitate at no expense to gain the good-will of the tribe, it is certain that they will find no suitable place for forming a port on the whole east shore from the Ohio to Nogales, since it is all under water during the rise of the Misisipi. The Chicacha tribe, more jealous than any other of the possession of its lands, is aware of the importance of the Exores à Margot; but a good present, dexterously and opportunely offered, may surprise their consent, wherefore I am of the opinion that thirty thousand dollars would not be an excessive sum for the accomplishment of this purpose and for permanently depriving the Americans of the hope they entertain of having a port on the Misisipi.

A regular fort in the Exores à Margot admitting of a garrison of a hundred men, which would be provided by the battalion of New Madrid, might, in view of the distance, with all its dependencies, cost likewise thirty thousand dollars.

Fort of        After forcing the pass of Exores à Margot, the enemy  
Nogales.       will descend to Nogales<sup>1</sup>, situated five leagues below the  
             Yasu,<sup>2</sup> whose fires combined with those of the two other  
             galleys which will be stationed below the fort, will necessarily detain them, because the currents, as at Exores, carry the boats to the east bank, obliging them to pass at the foot of the battery, a circumstance which will necessitate a siege in order to pass.

This will last all the longer, since all the forces of the province will have had time to gather on the Yasu to defend its banks and the pass against the hostile army, which will have these forces before them and behind them, and

<sup>1</sup> Walnut Hills, Vicksburg.

<sup>2</sup> Yazoo.



on their left flank a swarm of Chactas and Chicachas Indians. The river Yasu, which protects, as I have said, the territory of Nogales, overflows its banks at high water to a considerable distance, and leaves on the retreat of the deluge a swampy land covered with trees and therefore of easy defence for an army. This post, therefore, demands all the attention of the government, and there should be built here a fort, covered with brick, which the advantages of its situation will make one of the strongest in America.

A battalion providing the detachments for Natchez, Arkansas, Ouachita and the neighboring posts, would garrison that of Nogales with thirty artillerymen in time of peace, and in time of war its garrison would be increased in accordance with circumstances.

Plaza of  
Natchez.

Nogales passed, nothing can prevent the enemy from descending to the capital, since in that distance of 90 leagues, the most populous of the whole province, no forts are found except those of Natchez, Baton Rouge and Manchak on the eastern bank. The first, dominated from every side, will never be susceptible of a regular defence; for which reason I have at various times proposed to suspend its works which have as little solidity as the sands that compose them, and to transfer its governor, artillery and employees to Nogales, so that there shall only remain at Natchez, as in the time of the French, a commanding officer with thirty men, and a detachment of about fifteen dragoons, who will suffice for protecting that district from molestation by the Indians, and to maintain the inhabitants in due subordination to the Government, whose head, it is true, would be forty leagues distant, but these can be speedily traversed either by land or water.

Forts of  
Baton Rouge  
and  
Manchak.

The forts of Baton Rouge and Manchak are in ruins, nothing having been repaired but their dependencies since they were taken from the English. Baton Rouge offers the most attractive and advantageous position for commanding the river and delaying the enemy for a considerable time; placed precisely half-way between Nogales and the capital, that is at a distance of forty leagues from either, it can, in case of a disaster at Nogales, favor the retreat of the troops and galleys to the capital, and prevent the enemy, though masters of the western banks, from extending their incursions into the whole cultivated part of the province and opposing the succors of men and provisions which the capital may obtain there.

The fort of Manchak may be abandoned as useless.

No doubt the enemy, after taking Natchez and Nogales, can avoid Baton Rouge by directing their advance over

the road which goes down to the port of Galvez-town, and, by embarking on the lakes, can arrive, without any opposition, to within half a league of New Orleans, but the militia and the savages, who would beset them in the woods, would harass them greatly, while New Orleans, moreover, can not be taken without a train of heavy artillery, which cannot be transported through those regions without the greatest labor.

Fort of Galveztown. However, Galveztown being a point of transit much frequented, both by the Americans going to Georgia and Natchez, and by the savages going to the capital and elsewhere, and since, owing to the communication of the lakes through the rivers Iberville and Amit with the Misisipi, an enemy commanding the sea can avoid the defences raised at the entrance of the Misisipi, he can introduce himself into the heart of lower Louisiana, passing through the above-mentioned lakes in small boats, such as bilandors and galiots, and thence by way of the rivers to Manchak. From there, if the inhabitants should favor them, they could descend the Misisipi without the slightest opposition to the capital, becoming masters of the coasts, or if not, cutting off communication between Nogales and New Orleans by fortifying themselves in Baton Rouge. I consider it therefore of the supremest importance to rebuild the fort of Galvez-town, now in total ruin, its situation to be at the point formed by the confluence of the Amit and Iberville rivers; about twenty thousand dollars will suffice for its construction with its dependencies; and if made to hold a garrison of a hundred men in time of war, to be provided from the garrison of New Orleans, and a hundred and fifty militiamen from the district, it would suffice, supported by a number of Chactas Indians, to divert the enemy from the project of penetrating by the lakes into the province, or by the country of the Indians, should they succeed in separating them from Spain.

Fort of Akansas. There stills remains one passage to be cut off from the enemy, through which after forcing Exores à Margot, they might penetrate into that part of lower Louisiana, which lies on the western bank of the Misisipi, without passing Nogales: This is the river Akansas, navigable for keel-boats, through which the enemy can ascend to the village, situated twelve leagues from its junction with the Misisipi, and can go from there by a well-known and practicable road, to the settlements of Ouachita, Atak-apas, Opelouzaz, Natchitoches, etc. which have no other defense than their militia and some Indian tribes; but, if a fort is built there, or a redoubt of mud and turf, in the same place as the

present one,<sup>1</sup> which consisting only of a staked enclosure with a garrison of thirty men, can only serve against the Indians, it is evident that a hundred men, to be provided in time of war from Nogales, united with as many more militiamen, all excellent hunters living in the settlement, and finally with some two hundred very valiant warriors of the Akansas tribe, could advantageously oppose an enemy attempting to mount the river, and could put in his way enough difficulties to deter him from undertaking a dangerous expedition through a level country, without artillery and threatened with lack of provisions and attacks from the cavalry of the militia of Natchitoches, Atakapas, Akansas, etc. which would severely harass the enemy, provided the defense of the fort of Akansas allowed time to assemble and to oppose an advance into their interior of the country.

New  
Orleans.

Having vanquished all the obstacles mentioned, the enemy would advance against New Orleans, whose defences, consisting only of five earth redoubts, with a trench and a covered road furnished with a strong stockade, these redoubts being united with one another by the same stockade protected by a good glacis, at whose foot is a trench and an ante-glacis, with a redan in the middle of each curtain, do not offer the idea of a place capable of much resistance; but experience will demonstrate the contrary, provided it is furnished with the proper artillery, 94 twelve and twenty-four pounders, and 3000 regular troops, including a squadron of dragoons.

Plan of  
defence.

This place being situated in the middle of a plain on the eastern bank of the Misisipi, on land that continuously declines from the river to the estuary, which runs almost parallel with the Misisipi, at half a league's distance from it, carrying its waters to the lakes which empty into the sea, its environs may very easily be inundated from February to August, without damage to the city, since the water only reaches the foot of the streets.

A succession of swampy woods, which the people of the country call the Cypriera,<sup>2</sup> run parallel with the Misisipi at a distance of three or four hundred fathoms from its edge, and form another insuperable obstacle to those not accustomed to it; whence it results that the enemy can only advance to the attack by the Royal road which follows the bank of the river, and which being swept lengthwise by the artillery of the redoubt and crosswise by the fires of the second redoubt and of the redan, would be rendered almost

<sup>1</sup> Erected in 1789.

<sup>2</sup> *Cipriera*.

impracticable during high-water by cutting the dikes at intervals. To these obstacles to the conducting of attacks and establishing of batteries, is added the difficulty of excavating trenches in land from which the water oozes at two feet below the surface. The enemy being confined to a very narrow space, a highway as it were, in order to approach the fortifications, it is possible to keep up a superior fire, increasing the number of batteries with the greatest ease and rapidity in proportion as the enemy establish theirs, since merely by piercing loop-holes through the glacis or curtain, and making an esplanade, which can be done in a single night, the new battery will be ready to open fire the next morning on that of the enemy, as yet hardly begun. As it is probable that the enemy will attempt to establish batteries on the other bank of the Mississippi in order to attack the redoubts that defend it and to silence them by a diagonal fire, it would be necessary to raise in the same and in front of the center of the plaza a good redoubt, which crossing its fires over the river with the redoubts of San Carlos, San Luis, the battery of the park<sup>1</sup> and that of Los Naranjos,<sup>2</sup> will render impossible the passage of the river in front of the city, where it has a width of some 320 fathoms, as well as the construction of batteries which might greatly harass the city.

This redoubt being protected by those of San Luis and San Carlos which would cross their fires in front of it, and by a frigate, equipped with artillery of large caliber, which would anchor farther below, and being able to receive at any moment reinforcements brought by the galleys, the time consumed in attacking and taking it would greatly prolong the siege ; and in case of disaster, if the entry were blown up with a little mine, it would remain open in the direction of the plaza.

It might also happen that the enemy would try to surprise the plaza during a dark night from the river, and it would therefore be advisable, in case of a siege, to shut it in front with a strong stockade, planted at least six feet from the dyke so that, flanked by the batteries of San Luis, San Carlos, the park and Los Naranjos, it would render a successful enterprise of this sort impossible.

In order to secure the plaza against a desperate attack which the enemy may make in advancing with several columns directed successively against the curtains while the redoubts would be diverted from their defense by false attacks calling their fires to the front, I consider it indis-

<sup>1</sup> *El Parque.*

<sup>2</sup> The orange groves?

pensable to have a body of 150 or 200 cavalrymen; who in case the enemy should effect an entrance anywhere, would sally out from the streets and without giving them time to re-form, after the confusion in which they would necessarily find themselves after passing the fosse and the stockade, would fall upon them, sabre in hand, while the cross-fires of the two redoubts and of the redan would bar the way of those following, who would be obliged to repass the stockade.

The most unfavorable feature of the plaza of New Orleans is that the houses and roofs, being of very combustible wood, would easily take fire and communicate the flame with the greatest rapidity [to the store-houses filled] with munitions and supplies; wherefore it would be well that these should be isolated, built of brick and covered with tiles in the form of a roof-terrace, and also that the citizens should take down their roofs during the siege.

I have made no mention as yet of the difficulty the enemy would have in finding a suitable place for a camp. Being obliged to locate it a long distance from the plaza on account of the reach of the heavy artillery in the same, they can find no position more secure than between the Misisipi and the Cypriera, or line of swampy woods that bound the plain; but the militia and the hunters of the district, accustomed to hunt in the swamps, will harass day and night their flanks and their rear-guard, being sure of finding an impenetrable refuge in the Cypriera and of repulsing any body of soldiers that ventures to follow them into it.

For the same reason the enemy would be obliged to reduce their attacks to a single front, without being able to penetrate with artillery to the other side, which will greatly facilitate the defense.

It is true that from the 15th of June to the 15th of January, that is, during nearly the whole of the six months of the year when the waters of the Misisipi remain low, the vicinity of New Orleans cannot be inundated; but the excessive heat that prevails, with the frequent rain, the mosquitos, the flies, and a thousand other insufferable insects, the putrid fevers, tertian fevers, dysenteries, etc. are sufficient to destroy the most powerful army encamped in the plains during the months of July, August, September and October, and especially an American army quite unaccustomed to such a climate, which is usually mortal to those who come down to the capital by way of the Ohio during the hot season. Moreover, if the

lowness of the Misisipi does not allow the environs of the plaza to be inundated during those months, neither will it allow an army to descend from Upper to Lower Louisiana by the river, and it is by this route only that the cannon for bombarding New Orleans can be transported.

Assuming, however, that the plaza be taken by assault, or obliged to capitulate, it will not be difficult for the troops that garrison the redoubts, to withdraw to that of San Carlos, which for this very purpose has been made larger than the rest, and put in a position to stand another siege with great advantage, thanks to the double batteries that defend all its sides.

As it is probable that the enemy will wish to preserve the buildings of the plaza and lodge themselves therein, they will be informed that it will not be fired upon provided that the city remain neutral ; but that if the least attack is made, or if the redoubt is troubled in any manner from that direction, it will all be reduced to ashes by the fire of the mortars and cannons.

There will be left in the redoubt only enough troops for its defence ; the rest will camp in the ravelin which will be constructed, as soon as the plaza is threatened, almost parallel with the Misisipi ; in its enclosure there will be a large structure of brick, suitable for keeping the provisions in during the siege, and a saw-mill under which the ovens and bakery can be set up without danger from the enemies' fire.

The canal on which the saw-mill is situated forms a deep van-fosse, wide and difficult to pass, its length being commanded by some pieces planted on the platform or terrace of the mill.

The ravelin, which is to serve as an entrenched camp for the troops, will be able to defend itself very advantageously with the artillery and gunnery of the redoubt, as also with the battery of the saw-mill which will command it perfectly. All the advantage of this situation will consist in the difficulty which the enemy will experience in advancing their trenches, planting their batteries and silencing the fires of the double batteries of the redoubt, which will cross the plain while scarcely offering any object for their aim, since the thirty and twenty-four pound artillery planted in the covered road, being mounted on carriages of a new design, will fire on barbe over the glacis almost without exposing itself, while the eighteen-pound guns on the wall placed before the intervals of the former will fire through the loop-holes whose *rodillera* is even with the crest of the wall.

The fires of the redoubt being silenced, surrender becomes inevitable, but in the meantime succor may come from Havana sufficient to force the enemy to retire, especially as he will be greatly reduced by the sickness, deaths and wounds resulting from a long and obstinate defence.

But before capitulating, if the precaution has been observed of maintaining during the siege some galleys in the canal of the saw-mill, it will not be impossible to embark silently and by night a large number of the best troops and gunners, and favored by a good wind and by the current, to reach the fort of Placaminas, on whose conservation will depend the entrance of reinforcements sufficient perhaps to retake Louisiana.

But if Placaminas is lost the recovery of Louisiana must be given up, if the people of the country declare themselves hostile.

This conviction has led me to employ for the defense of this important post, all the resources which the locality, the skill and the short time and the reduced means at my disposition have furnished me.

Forts of  
Placaminas.

Upon ground subject to inundation, swampy and covered with trees, and quite unknown until its environs were cleared, was raised a battery in the form of a bastion, one of the finest that exists perhaps in America: ten 18-pound pieces crown it and command the boats that come up the river against the current, first from stem to stern, then from the side, and finally from stern to stem. However favorable the wind, no frigate can avoid exposure to the fire of the fort for at least a quarter of an hour, and unless the east wind is blowing it will be absolutely forced to anchor under the cannon of Fort San Felipe.

As the river is 284 fathoms wide at this point, for fear the boats might pass very close to the land and attempt in this manner to escape in part the effects of the battery, I had constructed on the opposite bank an earth redoubt with stakes, which I named Fort Borbon, with the two-fold object of dismasting the boats that hug the shore by making them fall under the fort of San Felipe and of furnishing protection to the militia advancing farther below to harass the enemy in their manœuvres and preparations, under shelter of the forests and fallen trees that line the shore in this place.

Not desiring to expose artillery of large caliber in this redoubt, which, in case of a serious attack, would have to be left unprotected, it was furnished with five six-pounders which, commanding the prow of the boats that go up the river, ought, on their doubling a small point that hides



it, from within gunshot, to cut their sails and rigging at the first discharge of chain-shot or grape-shot, which will oblige them to drift or to gain the middle of the river, where, exposed to the fires of both forts, they will be unable to overcome the force of the current, particularly when the river is full.

As the channels have only thirteen or fourteen feet of water, there can enter into the Misisipi no frigate of a burden of more than 26 to 30 cannon, and the largest caliber of these can not exceed 12 pounds; consequently the battery of Fort San Felipe will always be much superior. Neither can the boats manœuvre with the same ease and dexterity as at sea; the current, which becomes more sensible in proportion to their distance from the shore, will not allow them to observe any order or to form in line, so that an expedition attempting to force the passage with the east wind, the only one that would admit of this undertaking, would consume much time and suffer much damage and confusion, if one of them were to get through, either because its rigging would be cut or a mast lost; but supposing it were to succeed in this, the galleys stationed in the Bayou or estuary of Mardi-gras, under the cannon of the fort, from whose small gate they can command the river without exposing themselves, would follow up the expedition with a cannonade, and, protected by the militia of both shores, who would fire upon those presenting themselves in the hostile boats, would disable them before their arrival at the English Turn, the precise point at which the expedition must anchor.

If the enemy, despairing of forcing the pass of Placaminas, attempt to land lower down and form their attack behind the fort, it will of course be impossible to oppose their landing; but as soon as they are within range of the cannon, the 24-pound guns of the galleys stationed in the estuary and some pieces of the left flank of the river-battery will sweep the whole plain so as to force the enemy to approach slowly and to put themselves under cover from fire in order to be able to cross the estuary much farther above the fort and to undertake a regular siege; which will be all the more difficult because water is met with within two feet, at most, of the surface of the earth.

The fort not being clothed behind, and its parapets not having as yet a thickness of over eight feet, it is evident that, as soon as the enemy succeed in planting their batteries behind it, it must capitulate, especially as all the artillery defending it on land consist only of six 4-pound

cannon, intended only to prevent a surprise or an assault ; but the circuit the enemy must take to pass the estuary, to secure their communications, to open the trench, to raise their batteries under the rasant fire of the galleys, will occupy them long enough to permit the arrival of help from the capital sufficient to cause them to renounce the enterprise, or at least to render the ascent of the river a matter of difficulty.

If they decide to make an assault in order to avoid all these delays, immediately after crossing the estuary, 300 men sheltered in the fort could make them repent their temerity, if they are able to make use in time of their artillery charged with grape-shot sustained by the gunnery, by the fires of the galleys that flank the attack, and that of the militia, ambushed farther above the fort in the swamp wood or Cypriera to which the enemy expose their left flank and their rear.

It may be that they will attempt to drive out the militia from the Cypriera; but not only will their flanks then be exposed to the artillery of the fort and of the galleys, but fifty militiamen from lower Louisiana will face them and will without difficulty get the better of four-hundred regular troops, since only the people of the country are able and know how to make their way through the swamps.

The fort of Placaminas can not be thus defended against an enemy that is already master of the capital and that attacks it from above: the Cypriera itself will facilitate the approach of batteries against the upper part of the fort, which will not be able to resist them long, on account of the weakness of its parapets. Therefore, considering the importance of the post, I am of the opinion that the walls of the parapets should be made as strong and thick as possible on the land side; that it should be furnished with 12-pound artillery; and, finally, that all its sides should be clothed with brick up to the cordon, a work that may cost about 20,000 dollars, but which will be of great durability and usefulness.

The enemy, once in possession of Placaminas, will be masters of all Louisiana, provided they have previously taken the capital and Galvez-town, since all possibility of succor will thus end.

Having described the means of defense that can be employed in Louisiana against a well directed expedition by way of the Ohio, or the north of the Misisipi, I will detail those that the city itself offers against an expedition from the Gulf of Mexico.

New Orleans, the capital of Louisiana, being the centre

Motives whence are distributed the forces, munitions, provisions  
for and all that is necessary for the defense of the posts, forts  
Fortifying and plazas, and being at the same time the centre of the  
New Orleans. provincial commerce, has the greatest influence on its defense; for which reason any hostile power will always direct its forces against this city: its situation on the Misisipi at half a league's distance from a branch navigable for schooners and cutters and by which it communicates with the lakes and from these with the sea; the facility which is afforded by the rivers or their arms on either side of the Misisipi to approach the plaza with smaller craft from every direction without passing through the mouths of the Misisipi, the boats resting at anchor in complete security either in the islands of Navio,<sup>1</sup> Candelaria and Breton or on the other side of the shores of the bay of Barataria—these were the weighty motives that rendered necessary the fortification of New Orleans as it actually is: that is to such extent as the scarcity of time and means permitted.

In fact the Misisipi was at the beginning of 1791 alike undefended above and below; the fort of New Madrid was then nothing more than a staked enclosure with its banquet garrisoned by 32 men with four four-pound cannons.

The fort of Nogales did not yet exist, and Natchez amounted to nothing more than the old fort dominated from every side so that the English recovered it with a single cannon in 1781.

The forts of Baton Rouge and of Manchak were in the same ruinous condition as at present.

The city of New Orleans had not the least defense and could be reached from the mouths of the Misisipi without the slightest hindrance; so that in 1787 an English frigate appeared one morning before the city, without any notice of its approach being received and consequently without any permission having been asked to enter and go up the river.

Such was the condition of Louisiana when by royal order of Sept. 28, 1791 I received a commission to put it on a defensive footing; circumstances not permitting any thing beyond the fortifying as well as possible of the principal points. Natchez and afterwards Nogales (above) were with increasing activity put in condition to offer some resistance soon after the battery of Placaminas was begun below, but as it was not to be expected that such indifferent works could detain the enemy a sufficient length of time

<sup>1</sup> *I. e.*, Ship Island.

to receive powerful succors from Havana, it was necessary to seek means for putting the capital, which must needs be the principal object, in a condition to hold out for some time. Its circumference being 1280 fathoms width including the bank of the river, I built the five redoubts indicated on the plan of the city, uniting them by a covered road and a stockade. I placed on each curtain or front of the line, too long to be protected by the fusillade of the redoubts, a redan furnished with artillery which shortens and defends it, crossing its fires with the perpendicular ones of the curtain and the transverse ones of the flank of the next redoubt.

Knowing that in spite of the redans the enemy might direct their attacks against the curtains with all the more hope of penetrating into the city through them inasmuch as the troops, fearing to be cut off or attacked from the rear, would naturally defend feebly or perhaps abandon the redoubts immediately on seeing the stockade reached, I decided to fortify the front of the redoubts with the same care as the remaining sides: for the same reason I preferred the redoubts of the bastions; in fact it is to be hoped from these that, although the enemy succeed in penetrating the curtains in spite of their direct fires and the crossed ones of the redans and the redoubts, the troops of these, assured of incurring no risk of being forced in them, will direct their fires against those who may have reached the stockade, and will even make a sally to attack their flank while the cavalry would attack them in front.

Finally, finding myself supplied with numerous artillery and having reason to believe that that of the enemy would be much inferior in number and calibre, I was confident of deriving from this fact the most brilliant success and of obliging the enemy to abandon their enterprise.

No occasion offered itself of testing the effects of these combinations; but the province being menaced with an attack by the French by the Gulf of Mexico at the end of '93, their utility became apparent; all the artillery in the enclosure was mounted; the garrison, swelled by the militia from Natchez, was so distributed that the regular troops were to defend the redoubts, and the militia, supported by the cavalry recruited from the country, were to defend the curtains; there were assigned to the defense of the forts of Placaminas 400 men, to be reenforced by 300 more militiamen from the shores below; in the estuary or little port of San Felipe were stationed three galleys mounted with 24-pound cannon: forty fire-boats or incendiary rafts prepared to be directed against the enemy's

boats that might seek to force a passage ; and in order that I might have immediate notice of their arrival at Balize<sup>1</sup> there were placed signal cannons at intervals of two leagues between this place and the capital, *i. e.* in the thirty-two intervening leagues, precautions which the most complete success would doubtless have crowned.

Having already detailed the means of defense afforded by Placaminas, it will suffice to add : that if, contrary to all appearance, the fort should be obliged to surrender, the garrison will have to attempt a retreat by the Cypriera or marshy wood which extends to the capital itself, since having once entered their retreat cannot be cut off by the enemy.

It being probable, after the taking of Placaminas and its being provided with sufficient troops to prevent the entry of succors sent from Havana, that the enemy will reembark to go up the river ; the militia will have to await them at all the bends of the river, in which during the manœuvres made by the boats in order to pass them, the mariners who expose themselves may be shot down.

But as the expedition must inevitably pass what is called the English Turn<sup>2</sup> distant five leagues from the capital, in order to pass, while sounding the bottom, the half league almost entirely made up of windings of the river, that place also will have to be occupied, as it offers the most redoubtable position for awaiting and routing an enemy imprudent enough to engage himself in it without knowledge or precaution.

The narrow projection of land which on each side of the river runs between the lakes and the Misisipi, or between this and the sea, from its mouths, not having at the English Turn more than about 130 fathoms of width between the Misisipi and the Cypriera, which begins as I have said at Placaminas on the eastern side and almost at Balize on the other, an entrenchment may be formed supported on one side by the river and on the other by the marshy wood or Cypriera ; each flank will have to be covered by a good redoubt furnished with artillery which will cross its fires over the river with those on the opposite bank, but the redoubts of the Cypriera will have to advance a little farther forward by means of a bend or angle formed by the entrenchment in order to entirely flank the line : these redoubts would be sustained by two or three hundred militia ambushed in the Cypriera, who would harass the enemy from the rear during the attack of the line.

<sup>1</sup> *La Valiza.*

<sup>2</sup> *Torno del Ingles.*

Behind the entrenchment is a plain well adapted for cavalry, which will form at a distance of three or four hundred fathoms from its front edge, out of reach of the guns, in readiness to fall sabre in hand upon those who may penetrate the line.

Three hundred regular troops with two thousand militia of the province, that is of those who do not miss a man at two hundred paces, and two or three hundred cavalymen, can frustrate in that position the attempts of an army of 10,000 men.

In case of misfortune, the corps which has defended the lines will find a shelter sure and close at hand in the Cypriera, and will make its retreat protected by the cavalry in the plain, and by the militia in the former, which harassing the enemy's flanks by a lively and well directed fire without exposing themselves will oblige him to suspend the celerity of his march and make it easy for the troops to enter the plaza far in advance of his arrival.

The importance of this position had induced the French to fortify it with a line extending from the river to the Cypriera on each side supported by a powerful battery on each side which crossed its fires over the same, another battery being erected farther below and rasant in the place where the Misisipi is narrowest, for the purpose of incommoding the boats during disembarcation and of forcing them to effect this at a great distance from the lines: two companies garrisoned this point in time of peace and it was increased according to circumstances in time of war.

Of all these works and their constructions only useless vestiges remain, but should Louisiana be menaced by a large expedition which might necessitate the sending of three or four thousand men from Havana, it would be fitting to raise up with the same force the defences above mentioned, through which it may be expected that the enemy can be prevented from reaching New Orleans, and consequently from devastating the habitations and surroundings of the plaza.

The galleys anchored below the redoubts of the river bend, too high to be harassed by the fire of the hostile boats, will likewise keep up a formidable fire against them both before and after they are anchored but particularly during the landing of the troops destined for the attack of the lines which the situation of the redoubts will render inevitable.

If the plaza of New Orleans were accessible only by the river it is evident that the English Turn alone, well fortified and garrisoned with a sufficient number of troops,

Fortifications would suffice to protect it, but its situation in the midst of which may the waters, rivers, river-arms and lakes making it accessible either by these and the river San Juan or by Chef Menteur and the road of Gentilly, which lead to the Mississippi river a league below the plaza; or by the bay of Barataria and canal of Bouligny which opens a league above the plaza; or by the lakes and the rivers Amit and Iberville, emptying into the Mississippi four leagues below the fort of Baton-Rouge; by the lake of Barataria, la Fourche de Chetimachas; or finally by the upper part of the Mississippi;—it is necessary to add to it all the defenses of which its situation admits. As it is destined by its very situation to be the centre of an immense commerce between all nations, and the vast continent bathed by the rivers Mississippi, Misuri, San Francisco, Colorado, etc., it is fitting it should be surrounded with a wall regularly clothed with brick; that the same should be done with the redoubts which now defend it; that there should be added a ravelin in the middle of each curtain and that the whole should be protected by a moat<sup>1</sup> and a regular covered road; as the country abounds in turf it will suffice to clothe the wall as far as the cordon which will much diminish the expense.

But should circumstances not allow of the undertaking of such a work it will be fitting at least to clothe with brick the redoubt of San Carlos which, serving as citadel for the plaza, can, by means of the double batteries defending it, sustain with 800 or 1000 men a siege of a month, totally independent of the plaza, whose vast extent requires a garrison of 3000 men, not perhaps to be found when wanted, and especially in case of a war with France in which the greater part of the inhabitants can hardly be counted on at all.

This identical consideration induced me to reduce as much as possible the remaining redoubts and yet each of them requires 400 men for its defense.

In case H. M. resolve to clothe the redoubt of San Carlos with brick it will be advantageous to add two double counter guards, *i. e.* with flanks which cover the two rear angles and a ravelin on the front<sup>2</sup> of the same, as is shown in plan 1<sup>st</sup>; being low or rasant to the ground their cost will be a trifling matter but it would be necessary then to raise the wall of the redoubt three feet. With the half-clothing I have proposed the whole may amount to 70,000 dollars,<sup>3</sup> but the king would then have a very respectable citadel.

<sup>1</sup> *Foso.*

<sup>2</sup> *Garganta.*

<sup>3</sup> *Pesos.*



Plan of defence of New Orleans on the lower part of the Misisipi.

Supposing the enemy, having overcome all the obstacles opposed, succeed in arriving before the plaza, if the pass between the redoubt of San Juan and the Cypriera be well guarded, it will be necessary for their attacks to be directed against the strongest part of it, *i. e.* against the curtain of San Carlos whose plain will be crossed by the double fires of the same, of the redoubts of San Juan and of the redan of the curtain ; the passage of the canal which traverses the plain up to the river-arm being commanded by the saw-mill battery will likewise cost them time and trouble, but as regards the rest of the defence that part of the plaza will be equal to that already mentioned.

New Orleans and Placaminas once surrendered, the enemy will try to become master of the fort I have proposed to erect at Galves-town with the object of cutting off from those of Baton-Rouge, Natchez, and Nogales and others of the upper Misisipi all communication with the sea, rendering impossible all succors which might be introduced by the same as far as the most populous part of the province, it being patent that while the forts of Galvestown and Baton-Rouge are in the power of Spain, powerful succors might be sent from Havana by the lakes, which succors joining with the militia of the province in Baton-Rouge (I speak of the militia which, distant ten or twelve leagues above the capital, would not have to fear the vengeance of the enemy so greatly) and availing themselves of the heavy artillery of Nogales would make a descent on New Orleans and attack it with that advantage and security afforded by a perfect knowledge of the ground and secret understanding with the citizens.

New Orleans might likewise be recovered by a night surprise, by the gate called the gate of the Bayou of San Juan in the manner following, always assuming that the citizens could be counted upon.

Five or six frigates with 300 men each would issue from Havana with the greatest possible secrecy and anchor at the island of Navios with all security and secrecy, since no one frequents that part of the coast : the landing would be affected with barges<sup>1</sup> in the entirely deserted spot called Chef Menteur only seven leagues distant from the plaza and covered with trees ; all being landed with three days' provisions and without artillery would advance the first day within three leagues by a very good road extending from the farm<sup>2</sup> of Maxeut and where there are no dwellings nor people to disclose the expedition ; at night-fall

<sup>1</sup> *Lanchas.*

<sup>2</sup> *Vaqueria.*

next day it would march toward the city and arrive about eleven o'clock by the road of Gentilly, taking care to deviate from three or four houses along the same and to make a circuit to prevent any one from informing the enemy who, surprised by two columns attacking simultaneously the fort of San Carlos and the Gate of the Bayou, would doubtless lose the plaza before being able to form and repel so unexpected an attack.

This same ease with which New Orleans might be surprised obliged me to maintain a boat under command of a reliable officer between the entry of the lakes and the island of Navios with orders to reconnoitre these frequently and to land a man to inform me whenever he might discover boats in these places which, as I have reiterated, being equally distant from the mouths of the Misisipi and from the entry of the lakes are never frequented; the secret intelligence which the French maintained with the malcontents of Louisiana, facilitated the expedition which five frigates were able to undertake from Savannah or Charlestown with great promptitude and secrecy. Passing by the canal of Providence, which the English ship *Jupiter* of 50 cannons, several times passed during the former war, and then standing off from the coast of Havana they would have reached undiscovered the island of Navios.

A little fort or stronghold, which would cost some 2000 dollars<sup>1</sup> on a little height in the pass called Los Rigolets with a battery of four twelve-pounders on the height of Coquilles, would be sufficient to put the place under cover from all surprise in that direction as no vessel can enter the lakes without forcing that pass, very narrow and isolated and which would be commanded.

Another on the mainland or in the bay of Barataria would report all news from that region of the coast and guard the pass or canal opening into the Misisipi a league above New Orleans.

Balize.

With the purpose of putting the approaches of Balize<sup>2</sup> or the principal entry of the Misisipi under cover from a surprise like that executed by Count O'Reilly, which facilitated for him the entry of the river, I erected a stronghold on the river arm where La Vigia is situated, defended by two cannons whose embrasures close like those of a ship: it serves as quarters and defense for the 24 men who sleep in it and can not be taken without artillery.

The accompanying plan of the new fort of La Confed-

<sup>1</sup> Pesos.

<sup>2</sup> Valiza.

eracion which I have erected among the Choctaw nation to assure myself of them and of the whole country which is exceedingly fertile and much coveted by the Americans situated between the Misisipi and Yasu,<sup>1</sup> Chicacha<sup>2</sup> and Mobile rivers and the sea, demonstrates the force, solidity and advantage of the strongholds built of tree-trunks or logs 8" by 8" square, whose upper parts cross their fires and command all sides without its being possible to approach the bottom of the tower, it being defended by two salient angles of the first story from which the defenders throw hand-grenades, stones, boiling water, tar, etc.; its cost does not exceed 1000 or 1300 dollars and its duration may be estimated from twenty to thirty years, if the wood is cut in season ; finally, thirty men with two four-pounders and four small pieces suffice for its defense not only against Indians, but against any troops not having artillery.

Having demonstrated the utility of the forts of Galvestown and Baton Rouge which I propose to rebuild either to prevent the introduction of the enemy into the very heart of the most essential part of Louisiana, or for the recovery thereof in case Placaminas and New Orleans be lost ; it is necessary to consider what might further be attempted to defer the total loss of upper Louisiana, after those forts had surrendered or in case they should not be rebuilt in the event of an invasion of the province.

The post of Natchez being composed of men who have been impressed into service might furnish that of Nogales with some 500 men, good soldiers, if the fear of losing their own houses and possessions did not hold them back ; but as for this reason it is not possible to count on them nor on the land-holders of the province, it will be necessary to recruit, with offers and promises of goodly recompense when the province again returns to Spanish domination, all those who have nothing to lose and who hope to advance their fortune by war, as well as the wandering persons<sup>3</sup> who abound in the American establishments of the West, and the savage tribes ; but the capital once surrendered these can be but little depended upon, being accustomed to follow the victorious party when best in a position to continue to accord to them the gifts which are customary ; however, with brandy and arms some bodies of Indians may also be recruited who will harass the enemy during the siege.

Nogales, being thus disposed, can only be taken by a

<sup>1</sup> Yazoo.

<sup>2</sup> Chickasaw.

<sup>3</sup> *Vagos*.

considerable expedition of the enemy, and while it is in the power of Spain it is not to be feared that upper Louisiana should surrender, since its commerce with the capital would be entirely cut off ; for the enemy to be able to send up 3000 men as will be necessary, with the artillery, provisions and munitions, they will have to have a number of boats almost impossible to get and will have to employ two months, more or less, for the voyage, consequently leaving the forces defending lower Louisiana much weakened, which would expose them to revolution of its inhabitants and militia if these retained an affection for a mild government furthering their interests on account of proximity to the Spanish possessions.

The hunters and savages, granting that some remain favorable to Spain, will embark on the banks of the Misisipi and fall suddenly upon the most advanced boats or on those separated from the main body, which will suffice to strike the sailors with terror and to detain considerably the expedition : in the meantime the sun, the rains, the inconveniences of a long and difficult navigation will cause sickness, losses of munitions and provisions, etc., so that the expedition would arrive weakened and disgusted to undertake a siege whose success will interest the troops so much less as the taking of the place will offer no personal advantage.

The same difficulties and many more will be offered by the taking of the Fort of New Madrid which, likewise cutting off the commerce between the capital and the establishments of Illinois and being capable of providing itself with everything necessary as well by them as by the settlements of the Ohio, should be maintained to the very last.

Thus has been demonstrated the importance of Nogales and New Madrid, either for protecting Louisiana against enterprises of the Americans, or for preserving upper Louisiana, even after the loss of lower Louisiana, or for facilitating the recovery of the latter.

San Luis  
de  
Illinoia

I have thus far deferred treating of the post of San Louis of Ilinoia,<sup>1</sup> the head of the other towns of that district ; wherefore I shall state that being situated on the western bank of the Misisipi, five leagues from the Misuri and five hundred from the capital, it is inhabited by various industrious merchants who correspond with those of the capital, and who would have an immense commerce of skins with the natives of the Misuri if they were favored with the freedom<sup>2</sup> of the capital and against the Canadian

<sup>1</sup> St. Louis.

<sup>2</sup> Libre.

English who usurp it, introducing themselves daily more and more upon the river mentioned and among the nations beside it.

A fort garrisoned by 50 men on the river of St. Peter, 120 leagues distant from San Luis itself, would entirely cut off the commerce of the English with the savage tribes of the western shores of the Misisipi and of the Misuri, a commerce so rich that despite the enormous distance of 500 leagues of desert which must be traversed, by their merchandise and by the furs they receive in return, the London companies so engaged do not gain less than one hundred per cent.

The two forts mentioned being erected, many settlers would hasten to the vicinity of them as well from our settlements as from Canada and the shores of the Ohio, who would in a few years change those regions into posts more populous than the present San Luis, and would serve to cover the part of Louisiana above the Misuri against the usurpations of the English and Americans.

The commerce and traffic of the Misuri will produce without burdening the royal treasury and without unusual efforts, immense wealth for Louisiana and will furnish the most solid of all in a considerable product derived from the agriculture, industry and consumption of a large population; these great advantages ask and await nothing more than the protection of the Government and above all free communication with New Orleans which must necessarily become one day the commercial centre of a vast continent in its trade with the other nations of the globe.

San Luis de Ilinoia being surrounded by savage tribes of great valor and of more industry than our own in lower Louisiana and being exposed to the insults of the Americans and the English, in case of rupture with them, and being at the same time the centre as it were of the commerce of upper Louisiana, it ought to be surrounded with a good stockade with banquet and glacis; the first being defended at the two angles facing the field of the parallelogram by two good redoubts clothed with stone, and in the centre by the little fort now existing; part of its inhabitants being men of arms would serve for its defense, wherefore I think that four companies detached from the battalion of New Madrid to San Luis (who would provide the detachments for the rivers of St. Peter and Moine)<sup>1</sup> would suffice to inspire respect for the dominion of Spain throughout upper Louisiana; and if H. M. should see fit that these should be

<sup>1</sup> Des Moines.

recruited from the strangers who might offer to serve five years in them on condition that we promise to continue rations to those married or who should marry devoting themselves to the cultivation of the soil, during five years more during which they should serve as militia, I am convinced that that battalion would be always complete, which would obviate great difficulties and the great expense involved in transporting troops by the river to such remote places.

Having detailed all that seemed proper regarding the defense of Louisiana, that of western Florida remains to be treated, but as the latter is intimately connected with Mobile and the posts on the Mobile river I shall begin therewith.

The Fort of Mobile, taken from the English in the last war, consists of a regular square with four bastions and a covered road furnished with a good stockade; in its midst dominates a second stockade, to make up for the moat only  $2\frac{1}{2}$  feet deep. The wall and parapets being clothed with bricks, there is no other defect than their slight thickness and the fact that the walls are exposed almost to the bottom to the hostile batteries, motives which hastened their conquest by the Spanish.

The first defect is easy to remedy; and as for the second, by raising the covered road some five feet, clothing the declivity with a good brick wall and elevating the glacis equally above the surface of the ground, Mobile would be a fine fortress, of good defense, and respectable considering the forces which can attack it in America.

Its situation on the Mobile river, which receiving the Alebama is prolonged under the name of Chicachá far beyond the Yasu and almost as far as the Tenesi,<sup>1</sup> renders the possession of Mobile much more important to Spain than that of Pensacola.

Should the states of the West become masters of the Mobile, they would at once open communication by the rivers Ohio, Tenesi, Chicachá and Mobile to the Gulf of Mexico: a short canal would unite the Tenesi and Chicachá rivers, another, much shorter still, would open communication between the Chicachá, Yasu, and Misisipi rivers and between the Chicachá itself and the river Perla, which flows into two lakes back of New Orleans and consequently into the Gulf of Mexico.

These great advantages have excited the avarice of the Americans who have printed their projects as shown in the work entitled *Notes<sup>2</sup> of the Company of South Carolina on*

<sup>1</sup> Tennessee.

<sup>2</sup> *Apuntes*. Probably *An Extract from the proceedings of the South Carolina Yazoo Company*, Charleston, 1791.

*the Yasu*, which I sent to his Excellency the Count of Floridablanca in official secret document No. 9 of Feb. 29, 1792 ; and with the same intention were formed the Companies of Virginia and of the North ; but the same induced me to keep them from those countries, by soliciting and obtaining from the Chactá nation the territory of Nogales on the Chicachá river, where I have built the fort whose plan accompanies, No. 2. By its situation on the river and by means of the fort of Tombecbé, constructed four years ago, seventy leagues below on its bank, the King remains master of all the vast and fertile territory enclosed by the rivers Misisipi, Yasu, Chicachá and Mobile, with the Gulf of Mexico : within this oblong are the lakes and river Perla ; and as there is no savage people therein who can molest the settlers it is greatly to be hoped that this beautiful country will be populated as soon as the freedom of trade shall call to Louisiana emigration directed by enthusiasm and prejudices toward the United States of America.

Fort of  
Tombecbé.

The fort of Tombecbé hastily built by my predecessor is in a ruinous state ; its extent is too great for the small garrison of thirty men which it needs : I have ordered built at once a stronghold on the species of bend on the river, and I consider that with 5000 dollars it may be put into good condition. At a short distance from this is a little village which provides Mobile with corn and which may be very useful to the (fort) of La Confederacion, so named in order to perpetuate between the nations of Chactás, Chicachás, Criks, and Cheroquies the memory of the treaty of friendship and reciprocal guaranty between them and Spain, concluded at Nogales on May 14, 1792.

Fort of  
La Confed-  
eracion.

The establishment of La Confederacion has cost much trouble and difficulty, since the savage nations, extremely jealous of their lands, fear the proximity and ambition of the Europeans : it was necessary to persuade the Chactás that the establishment, located in their midst, had no other object than that of protecting them against the Americans ; to supply a meeting-place equally fitted for the reunion of the deputies or chiefs of the four nations in those cases necessitated by their affairs, the assembling of a Congress in which the Commissary of H. M. is present ; finally to keep therein the supplies of corn and provisions that they may need in times of scarcity. The nation in fact hastens thither but with moderation and is already well satisfied with this vicinage. The King will during some years pay the expense of a supply of provisions that may be estimated at some 2000 dollars at most ; but will



be sure of a post coveted by the Americans and which they could have purchased from the same before ourselves ; and that warlike nation of not less than 14,000 men will be always well affected toward Spain who will help them in need.

Fort of  
Pensacola.

Of Pensacola I ought to say nothing since its works, determined on by the Corte, are already begun ; I was present there and did not alter my persuasion that the English had been guilty of a capital error in leaving the point of the island of Santa Rosa undefended. A good redoubt with its trench, covered road, and glacis, the trench and covered road being defended by a strong stockade furnished with 12-pounders and situated where I had a covered<sup>1</sup> battery raised at the beginning of the war, would have forced us to open the trench which would require much time, both for the landing of necessaries, artillery and munitions as well as for making the fascines and other preparations, during which time the enemies could hope that the squadron and transports would be obliged to leave the coast exposed or perhaps to break through, the squadron being naturally very brave ; the two masked frigates at the sides of the redoubt defended by the fort on the other side and by the same redoubt would have crossed fires over the front which they would have reciprocally defended ; and they would not have been obliged by six shots of two 24-pounders placed on barbe at night on the shore of the island of Santa Rosa to expose the entry in order to go to the end of the bay and thenceforth remain useless for the defence of the place ; this redoubt taken we found ourselves in the same necessity as before of forcing the entry and stopping below the fort of Barrancas as we did ; instead of which if, after the entry of our transports into the bay, our general had resolved without wavering to place his camp where it ultimately was during the siege and to batter at once the fort of San Yorge, far distant from the city, with hot shot<sup>2</sup> and small bombs, the latter and Pensacola would have surrendered the same day, the city having no other defence than a stockade.

The desire to take the fort of San Yorge uninjured certainly did not repay the time, expense and risks which its surrender cost.

I therefore repeat that Pensacola, as it can not on account of its situation serve Spain otherwise than as a depository or storehouse for the Indian commerce, and as a shelter for the war-vessels that cruise on the sound,

<sup>1</sup> *Cerrada.*

<sup>2</sup> *Bala roja.*

and at the entry of the canal of Bahama, does not deserve the same attention as Mobile, which would be the key of the navigation of the American settlements and states of the West if it fell into their power.

Two little fortifications at the entrance of the bay, built of stone or brick, the former "cordon" of the city, of posts and stakes, being reestablished and a fort raised on the eminence overlooking the city, would amply suffice both to shelter the latter from aggressions of the Indians or wandering Americans, as well as to render impossible the entry of the bay for any sea-expedition. In fact, if Spain then have enough force in Havana to succor Pensacola, the siege and taking of the fortifications at its entry will give these the time necessary for arriving; if on the contrary there be not enough force in Havana to arrest those of the enemy, it will import little that the siege last two weeks more or less, and the enemy, not finding a place of great force to establish themselves firmly, they will be exposed, after the expedition has withdrawn, to being ejected by another coming from New Orleans by the lakes to Mobile; and from this city, which is only twelve leagues from Pensacola, against the fortification of Las Barrancas Coloradas, the troops crossing overland and the artillery, munitions and provisions being transported in smaller boats from coast to coast supported by some galleys or cannon-boats as far as a league or half league of distance from those mentioned, where all will unite with the army.

If on the contrary much time and money are employed in fortifying Las Barrancas Coloradas and if a principal fortress is made therein there will neither be sufficient men to defend it nor will it perhaps be completed when needed against the enemies of the crown; and however this may be, the city will have to be unprotected, the King losing more than 60,000 dollars worth of edifices existing in it, and the citizens their houses and moles to transfer themselves into the neighborhood of the fortress; considering that in the site where it now is it receives no protection from the fort of San Bernardo, and that its enclosure having fallen it would be exposed to the pillage and insults of the Indians, if the garrison quartered there should not hold them in check.

The defenses of Pensacola being disposed in the manner described, the battalion that garrisons it can provide 50 men for San Marcos de Apalache, sixty for Mobile, 50 for La Confederacion, 30 for Tombeche and 10 for Tinzas, 50 in the stronghold of San Jorge, 40 in the fortification of Santa Rosa, and remain with more than 300 for the garrison of Barrancas.

San Marcos      The fort of San Marcos de Apalache is necessary for de Apalache. the defence of the entry of the rivers Apalachicola and Flint, by which the Americans would attempt to navigate the Gulf, if they should realize their plan of ejecting the Crik nation from their lands on these rivers ; it serves also to cut off the commerce which the English try to keep up with the Criks below and with the Semanolés ; and finally to provide the latter with the merchandise they require.

The so-called smaller posts, five in number, having no other object than protecting the inhabitants of the districts from the savages, need only an enclosure of stakes with its banquet, four four-pounders and four small pieces.

The presence of the accompanying map, and of the plan of each place and fort which I have sent to your Excellency with document No. 442 will give the most precise idea of all I have exposed and which your Excellency orders me to explain ; but to avoid confusion, I join an extract No. 3, which reveals compendiously the condition of the places, forts and posts of the provinces of Louisiana and western Florida, their importance, defects and the additions needed to put them in the state of defence required by circumstances ; and finally the resumé of all the expenses indispensable for putting Louisiana and western Florida on a defensive footing, with another comprising those which without being so urgent would greatly contribute to their force and security against the Indian nations.

I can not but insist anew on the addition of a fourth battalion to this fixed regiment without which these provinces can not be considered as being in the state of security required by provinces having Americans and Indians on their frontiers ; table No. 6 shows its use and necessity as it must be considered that during the months of July, August, September and October the seventh part of the troops are rendered useless by sickness in New Orleans, Placaminas, Mobile, Natchez, Nogales, Arkansas, New Madrid and San Marcos de Apalache ; but particularly in the capital, where the sixth part of the garrison is in the Hospital, so that the 800 men who are there at present are not sufficient for the daily service of the plaza although reduced to 165 men as appears from No. 6 in which appears a daily diminution of 131 men compared with the entire force.

God our Lord guard your Excellency many years.  
Baron de Carondelet      N. O. Nov. 24, 1794.

Rubric  
Ex. Señor Duke de Alcudia.

## REVIEWS OF BOOKS

*Studies in Ancient History.* The Second Series, comprising an Inquiry into the Origin of Exogamy. By the late JOHN FERGUSON M'LENNAN. Edited by his widow and Arthur Platt. (New York: Macmillan and Co. 1896. Pp. xv, 605.)

THE work of M'Lennan on "Primitive Marriage" was issued in 1865, and the first series of "Studies in Ancient History" in 1876. The latter were republished in 1886, and under the title given above the remainder of his studies appears for the first time. They are fragmentary, and in many parts so incomplete that the editors were obliged to write them up from the notes and material collected by the lamented author.

It was his intention to prepare a voluminous and thorough study of early society, of which these essays, principally concerned with the primitive modes of marriage, were but a small portion. That such a work would have been of high value is evident from the method laid down by the author in the early chapters of the present volume. These express in a mode as clear as can anywhere be found the worth of the study of savage conditions to the comprehension of history as a whole.

"The facts," he observes, "gleaned from observation of the ruder races are at once the material from which the earlier chapters of general history must be compiled, and an essential requisite in rendering intelligible many events recorded in written history, that is, they are of primary importance to history throughout" (p. 19). This opinion he supports by examples and illustrations of the most convincing kind in a chapter on the "method of inquiry in early history."

Other chapters of an introductory nature are on "the mode of handling evidence," and on "the definition of terms." In the former, he refers with severity to many of the authorities on which we are obliged to depend for our knowledge of savage life; to the systematic falsification of that life by missionaries and church publications, for ecclesiastical purposes; he even refused to quote any of the recent missionary reports, having found them "absolutely untrustworthy" (p. 36). He treats with proper severity the disappointing work of Schoolcraft on the American Indians, and what he calls the "incredible" blunder of Lewis H. Morgan in mistaking the system of modes of salutation among primitive peoples for one of consanguinity and affinity (p. 41).

The main question to which he addresses himself is the origin of exogamy; and the conclusion to which he arrives may be briefly stated. In the primitive group, marriage (*i. e.*, permanent pairing) was at first unknown. Then followed rude family groups through the attachment of children to mothers, which led to the rise and consolidation of the

system of kinship through women only. The practice of capturing women for wives arose from a "want of balance between the sexes," and this gave occasion to the adoption of a "ceremonial law of exogamy" (p. 57). The religious regard for the totemic bond, and blood-feud, or the religious obligation for vengeance, grew out of these basic social relations. Female infanticide was developed in order to adjust the society to its surroundings, especially to its means of support. It "embodied a policy of despair" (p. 83).

In the development and defence of these opinions, the larger part of the volume is taken up with an examination of the customs of savage nations throughout the world. The Pacific Islands and Australia, America and Africa are considered in that order, and a mass of materials, generally carefully scrutinized, is brought forward.

It is obvious, however, that the author, with all his sagacity, was not infrequently misled by his authorities; and the length of time which has now elapsed since he made his studies deprives them of a great deal of value. This is especially evident in the African and American fields. There is doubt that marriage by capture prevailed in any native American community. The instances given on page 365 are not truly such. They are simply slave-catching and rape. Again, it is quite unjustifiable, on the ground of a solar myth, to assert that the Navajos once traced kinship in the female line though it is unknown to them at present (p. 360). That reminds us of Mr. Lewis H. Morgan's convenient custom of saying that his pet system of consanguinity had "dropped out," in tribes where he could not find it existing.

At the conclusion of the volume are two essays, which were printed during the author's life. One of these is on "the worship of animals and plants," in which the thesis is defended that totemism was the foundation of the mythologies of most ancient and savage nations; and the other, by Donald M'Lennan, is a description of the Kamilaroi and Kurnai tribes of Australia.

The volume has no index, and an insufficient table of contents. This is the more to be regretted on account of its fragmentary condition. In other respects its make-up is satisfactory, and it contains many thoughtful expressions and suggestive reflections on primitive society.

D. G. BRINTON.

*The Cities and Bishoprics of Phrygia*, being an Essay of the Local History of Phrygia from the earliest times to the Turkish Conquest. By W. M. RAMSAY, D.C.L., LL.D., Professor of Humanity, Aberdeen. Vol. I. The Lycos Valley and Southwestern Phrygia. (Oxford: Clarendon Press. New York: The Macmillan Company. 1895. Pp. xxii, 352.)

DR. RAMSAY has seen more of Phrygia than any other enlightened man and he must be reckoned an expert upon all Phrygian questions.

For the past sixteen years he has bent all his energies to the study of the country and to the solution of the many difficult problems connected with its history, its geography, its art, its language. During all this time the author tells us, what we know to be literally true, that Phrygia has been his last thought as he fell asleep and his first on waking. "Rarely has a space of five hours elapsed by day or by night in which some point of Phrygian antiquities or topography has not been occupying my mind." Beginning with 1880 he has spent eleven successive summers in the interior of Asia Minor, chiefly in Phrygia, hunting for "traces of the past in the facts of the present, in the faces, manners, pronunciation, tales and superstitions of the people, as well as in the monuments of older days." There is hardly a village, a mosque, a cemetery or a village fountain throughout the length and breadth of the land which he has not visited in order to collect all remaining inscriptions and to wrest from them the story which each might have to tell about the history, the manners and customs of the country. By piecing together the *disiecta membra* thus found and by putting under contribution all other sources of knowledge about Phrygia, Dr. Ramsay has been able to present to the world a wholly new and immensely important study of the local history of Phrygia. Much was expected of him in this long-promised work, all the more because his *Historical Geography of Asia Minor* was written too hastily and exasperated many scholars, especially in Germany. In this present work Dr. Ramsay has worked more leisurely and under less adverse circumstances, it would seem, for it does not bear those marks of premature publication which so conspicuously marred his *Historical Geography*, though it fairly bristled with new facts.

The present volume is a distinct, we may almost say a marvelous contribution to the history of Phrygia's past, and that, too, along many different lines. It contains nine chapters: (1) The Lycos Valley; (2) Laodiceia: the Græco-Roman City; (3) Hierapolis: the Holy City; (4) Cities of the Middle Mæander Valley; (5) The Phrygian Cities of the Lower Mæander Valley and the Carian and Lydian Frontiers; (6) Colossai and the Roads to the East; (7) Lounda, Peltai, Attanassos; (8) Valley of the Kazanes and Indos; (9) Phrygian Cities on the Pisidian Frontier.

The above table does not give an adequate idea of the astonishing richness and variety of the historical investigations to which we are treated by the tireless scholar. It would occupy too much space to give the table of contents in full, but it may not be out of place to give the contents of one chapter by way of illustration. We select Chapter IV., "Cities of the Middle Mæander Valley: Situation and Scenery; Mossyna, Thiunta, Dionysopolis; the Hyrgalean Plain; the Pergamenian Foundation; Anastasiopolis, and the Hyrgalean Union; Phoba; Hieron of Mother Leto and Apollo Lairbenos; the Holy Village of Atys; Lairbenos; the Native Anatolian Social System, (a) Enfranchisement by Dedication, (b) Exemplaria, (c) Hieroi, (d) Ceremonial Purity, (e) Deisidaimonia, (f) the God as Sender and Healer of Disease, (g) Sacred Animals; Motella; Villages; Appendices: (a) Inscriptions, (b) Bishops."

The reader soon discovers, as indeed the author admits, that the topics are not discussed in systematic order, but as occasion offers, that is, as the author journeys from one city to the other. For instance Cybele and Men are discussed in almost every chapter, but the author has contented himself with giving us new facts about those deities as he met them, and his purpose has not been to tell all that one might like to know about them. And yet precisely because Dr. Ramsay breaks new ground we should have been glad to read a connected account of all that might be said on topics so fascinating.

It really fills one with wonder, as one reads the volume, to see what a proud structure the author can build upon the testimony of an inscription, a coin, or some literary tradition. As an instance of this may be cited the astonishing reconstruction of the family tree of the Zenonid family in Chapter II., or the establishment of the relationship of the owners of the Milyadic estate in Chapter IX. The glimpses of life and the scenes which he makes to pass before the eyes of the reader are many and varied, just as are the subjects of which he treats. It is always the locality which furnishes the framework for this series of pictures, and as the material he uses for the delineation of his pictures is new in the main, so are the pictures themselves, that is, the conclusions he draws from his material. His constant aim is "to throw some light on the question how Phrygia has come to present the aspect that it now shows to the traveller;" he has no prepossessions for or against any view, but has simply gone where the evidence led him.

Just here we may remark that Dr. Ramsay is apt to deal with fact too absolutely, as the Germans are continually throwing up to him; his pages are apt to be dry except for the specialist, and his English is not always as clear as it might be. It has sometimes happened that we have been puzzled to know the precise meaning of a sentence.

The German critics of Dr. Ramsay's books find fault with him also because he does not use or refer to his predecessors as much as they would like, and because, in many cases, he does not give his reasons or his authority for his conclusions. The first allegation is partly true, for Dr. Ramsay makes but scant use of the older travellers, and in the main he is justified in so doing because the more sober among them, as for instance Hamilton, present for the most part merely personal reminiscences of most excellent gentlemen, while such effusions as Van Lennep's are puerile. And yet it can not be denied that something might be gleaned from all of them. As for the younger generation of travellers, Dr. Ramsay utilizes their work constantly, but it must be confessed, most frequently in dissent, and that is apt to gall. But Dr. Ramsay is an independent worker; he has searched for and he presents new facts; his conclusions have been reached after much patient thought extending over years, and he states them simply as facts, whereas a few lines of plain explication would often save him time, labor and vexation in the long run. In each of his successive volumes he has had to defend himself on this score repeatedly; for instance, in the matter of the Sullan era in Phrygia and Eastern Lydia



(p. 201 ff.). In each of his volumes he attempts to forestall criticism on this point by saying that life is too short to go into details, or words to that effect, and in the introduction to the present volume he writes: "We cannot spend all our life in writing about Phrygia; and I have been studious to waste as little time as possible, and to put what has to be said as briefly as is consistent with clearness—sometimes, perhaps, too briefly for clearness. Most of the following chapters might be expanded each to a volume, if every point was argued out from all sides; but many arguments have been omitted in the desire to say no more than was necessary." We can accept this view of the author's mission only in part. And yet the views to which Dr. Ramsay thus gives expression have ever been a chief corner-stone in the edifices which he has erected and to them are due the chief blemishes of his books. We submit that, when a man writes a special work on any subject, he has no time for anything else whatever, and that he should, above all things, make every point abundantly clear; and that the author of a special work on Phrygia, or any other subject, should, if necessary, spend *all his life* in arguing out the points in detail from all sides. It is quite true, however, that by Dr. Ramsay's methods the world becomes acquainted with his new facts much sooner than would otherwise be the case, and for this the thanks of all scholars are due to him. But however severely some Germans may criticize Dr. Ramsay and his methods, none can deny the unrivalled glory of his many-sided work, his energy, his patient, pertinacious research in the field and in the library, though he had ever to contend with adverse circumstances and with an ever-present "thorn in the flesh" which often made life in the saddle burdensome, if not agonizing. But he has risen superior to it all and has accomplished a vast work, one for which his splendid intellect, the judicial cast of his mind, his keen powers of discrimination and combination, his boldness and courage have fitted him in an especial manner. In all that relates to the antiquities of Asia Minor he is *facile princeps*; he is the master to whom all must go for information, and it is not too much to say that his work in Asia Minor will not be relegated to the limbo of forgetfulness for some generations to come.

J. R. S. STERRETT.

*A History of Rome to the Death of Cæsar.* By W. W. How and H. D. LEIGH. (London, New York and Bombay: Longmans, Green and Co. 1896. Pp. viii, 575.)

THIS is a valuable book and ought to be warmly welcomed. The subject is no new one, but the authors of the volume before us approach it with an unusually high conception of their task and with unusual equipment for its execution. While not neglecting the more important achievements of the Roman arms and the triumphs of Roman foreign policy, Messrs. How and Leigh have addressed themselves with special fulness to the internal history of Rome, to a consideration of the moving forces in its affairs, and above all to the development and de-

cay of the republican constitution. In this part of their work they have naturally been guided largely by Mommsen, to whose researches ample acknowledgment of obligation is made in the preface. But the authors are disciples of Mommsen in much more than the mere acceptance and utilization of his results; they are saturated with Mommsen's spirit. Like him they recognize fully the capital importance of individual leaders, men like Fabius, the elder Africanus, Cato, Sulla, Cæsar, whose characters and determining influence are admirably summarized. Witness this concerning Cato (p. 303): "this political gladiator and typical Roman, this hard-hitting, sharp-witted, keenly commercial, upright, vulgar Philistine."

All references to art and literature are designedly omitted from the book. Few will condemn this procedure in treating the history of a people among whom literature was essentially an exotic, never, with the rarest exceptions, a manifestation of the national life.

The volume displays throughout a firm grasp of the subject matter, wise perspective and clear arrangement, while the exposition is always interesting and at times is invested with a positive literary charm. One leaves the concluding chapter with regret and wishes that the authors had continued their account well into the imperial period. It is to be hoped that they may yet see their way to rendering this much-needed service.

The work is illustrated by excellent maps, plans and numerous cuts of archæological and historical interest. An index and two appendices, on the assemblies and the chief Roman roads, conclude the volume.

CHAS. E. BENNETT.

*Europe in the Middle Age.* By OLIVER J. THATCHER, Ph.D., and FERDINAND SCHWILL, Ph.D. (New York: Charles Scribner's Sons. 1896. Pp. xii, 681.)

THIS volume, the result of the authors' experience in teaching general European history in the University of Chicago, is designed as a text-book for the use of freshman and sophomore classes. The period covered extends from A. D. 500 to 1500, and the whole of Europe, together with the Mohammedan countries, is included in the survey, although the space devoted to England and the lesser nationalities is relatively small. Dynastic and territorial matters claim the greater share of attention, but not to the exclusion of the history of institutions and civilization. The chapters, which vary in length somewhat arbitrarily from four to one hundred pages, are not always well articulated and are quite uneven in style and manner of treatment. Sometimes, as in the account of Italy during the fourteenth and fifteenth centuries, we find a skillful presentation of a complex subject, but too often the narrative offers little more than a succession of names and dates. The number of errors is considerable. Some of these—like the phrase "Roman Kelts" (p. 97), the mention of Poitou and Poitiers on page 156, and the confusion of the branches of the trivium and quadrivium (p. 589)—are no doubt due to

inattentive proof-reading ; in other instances, as in the matter of the palisade at Hastings, the relation of the Roman and the Christian basilica, and the dates of the Merovingian kings, recent research has not been sufficiently regarded ; but in far too many cases the fault is due to loose and careless habits of statement. Conformity to good usage in the spelling of proper names is highly desirable in a text-book, and while the influence of the archaistic revival still delays the adoption of a uniform English practice in these matters, one has at least the right to object to forms like "Kaernthen" (p. 125), "Nijmegen" (p. 151), and "Staufer" (p. 315), and to condemn "Friesians" (pp. 54, 101, etc.), "Clugny" (p. 329), "St. Bernhard" (p. 595) and "Raffaelle" (p. 653, followed two pages further on by "Titian") as quite without excuse. The same may be said of the use of "fodrum" (p. 222), "baillie" (p. 498), and "house-wealth" (p. 554).

As a guide to further study, the volume is notably deficient. "We have taken it for granted," the authors say, "that the teachers who may use the book are acquainted with the best literature on the period and will be able to direct the reading of their classes. The student for whom we are writing would be confused rather than helped by long lists of books, unless each book were accompanied by a discriminating estimate of its character and value;" and they content themselves with a reference to Adams's *Manual* and the lists in *Methods of Teaching and Studying History*, and an enumeration of a dozen general works "for the benefit of those who have no access to the above mentioned authors." It is hardly necessary to point out that those who are thus cut off are not likely to have within reach the forty-five volumes of Schroeck's *Geschichte der christlichen Kirche* mentioned among the general works; the objections to this method of procedure lie deeper. What ground does experience furnish for assuming that the teachers who may use this book are acquainted with the best books of reference? And is it not one of the first duties of a manual of this sort to provide students with discriminating estimates of books? We appreciate the authors' objections to the mere piling of reference upon reference in history-teaching, but surely the remedy lies in judicious selection and not in the entire refusal of assistance. More attention should also have been given to the matter of sources ; the scattered citations are quite inadequate, and the absolute dependence of the historian upon original materials is not clearly brought out.

A thorough-going revision would do much to remedy the defects here pointed out ; in its present form *Europe in the Middle Age* does not meet all the demands which may properly be made of an elementary text-book.

CHARLES H. HASKINS.

*Die Schlacht von Hastings.* By WILHELM SPATZ, Phil. D. (Berlin: Ebering. 1896. Pp. 69.)

THE reason avowed by Dr. Spatz for his publication of this treatise is the controversy that has raged about the battle of Hastings, since 1892,

in England. Whether his conclusions be accepted or not, students of history will at least welcome the appearance on the scene of a foreign writer, who approaches the subject with a fresh eye and from an absolutely impartial and independent standpoint. The fact that he has received, apparently, some assistance from Prof. Delbrück increases the interest of his views.

There is, it seems, a widespread impression that the whole dispute about the battle of Hastings (for Dr. Spatz agrees with me that we should so term it) is so involved and difficult that no one can hope to understand or arrive at any definite conclusion. It is, on the contrary, a simple matter, although it has been darkened by the importation of personal controversy and side-issues. Again, wonder has often been expressed that the details even of so famous an encounter should arouse such heated feeling. The simple explanation is that the dispute originated in an article not on the battle, but on "Professor Freeman,"<sup>1</sup> in which his authority and accuracy as an historian were openly impugned. In the reply to that article—"Professor Freeman and the Quarterly Review"<sup>2</sup>—Mr. Archer seized upon the battle of Hastings as a really vital point. I give my case in his own words:<sup>3</sup>

"On this occasion Mr. Freeman has not merely erred in detail; he is wrong, completely wrong in his whole conception of the battle . . . Such a contention, it will at once be perceived, is very different from any mere criticism of detail; it affects the centre and very heart of Mr. Freeman's work. If he could blunder here, in the most carefully elaborated passage of his whole history, he could blunder anywhere; his reputation for accuracy would be gone almost beyond hope of retrieving it."

The issue being thus clearly raised, it was no mere "palisade," or other feature of the battle, but Mr. Freeman's authority and accuracy as an historian that, according to his champion, were at stake. It is obviously not for me to say whether I have proved my case, but I would, at least, insist that I have dropped no part of it, and have, indeed, extended it since these words were written.<sup>4</sup>

Now, as for Dr. Spatz, I may tersely state the result of his investigations as follows: On the well-known points on which I differ from Mr. Freeman's narrative of the battle, he agrees with me absolutely and unreservedly. But he goes a good deal further than I do in rejecting portions of that narrative which I accept or do not dispute. Lastly, on the strategy of the little campaign, as apart from the tactics of the battle (with which alone I have dealt), he differs emphatically from Mr. Freeman. It will be best, therefore, to take these points separately. As to the first, he pronounces me undoubtedly right on what Mr. Archer deemed my two chief charges,<sup>5</sup> namely the existence of a palisade and the

<sup>1</sup> *Quarterly Review*, July, 1892.

<sup>2</sup> *Contemporary Review*, March, 1893, (Vol. LXIII).

<sup>3</sup> *Ibid.*, pp. 335-6.

<sup>4</sup> See *Quarterly Review*, July, 1893.

<sup>5</sup> "He [Mr. Freeman] is wrong above all things else in his disposition of the English troops. There were no palisades at Hastings," (*Cont. Rev.*, p. 335).

disposition of the English troops,<sup>1</sup> the latter being not only unauthorized, but opposed to analogy and probability. And these conclusions involve of necessity the collapse of Mr. Freeman's narrative. Moreover, he dismisses, as I do, the critical abandonment of its post by the English right as mere imagination (p. 57). It has, indeed, been publicly asserted that Dr. Spatz, while "rejecting the palisade interpretation" of the well-known passage in Wace by Mr. Freeman, "equally rejects Mr. Round's interpretation" that it refers to a shield-wall.<sup>2</sup> I am compelled to explain that this statement is doubly and directly contrary to fact. Dr. Spatz does not even discuss the interpretation of the passage, for the excellent reason that Wace's details are, as he insists, "historisch wertlos" (pp. 18-20). Moreover—and this is the essential point—it was Mr. Freeman himself, in his second and final edition, who, in the only place where he quotes or cites this passage, emphatically asserts that it describes "the array of the shield-wall" (III. 763-4). I agree with Dr. Spatz in his estimate of Wace; but if my opponents, as they do, take their stand upon his words, the "shield-wall" interpretation of them is, it will be seen, Mr. Freeman's own. To this, no answer is, or ever has been possible.

Turning to the new criticisms in this treatise, we find them practically based on the strange but dominant idea that both hosts were armed mobs who could only fight as individuals (*Einzelkämpfer*). It is on this ground that Dr. Spatz denies that the English were capable of forming the shield-wall or the Normans of executing the feigned flight. On the former I am, as I expressed it, "in complete agreement with Mr. Freeman;"<sup>3</sup> on the latter, Dr. Spatz is alone in questioning an episode described by William of Poitiers, his own leading authority. It is very significant that his strange notion makes him unable to suggest an intelligible formation for the English, among whom, he holds, the housecarls were but few in number. No one pretends that either host could execute elaborate tactical movements; but nothing could be simpler or more primitive than the movements assigned to the Norman knights or the stationary formation of the English.

The brief space at my disposal does not allow of my expressing any opinion on Dr. Spatz's view that the battle took place where it did by accident, the foresight claimed by Mr. Freeman for Harold being here treated with ridicule. Dr. Spatz, I gather, was unacquainted with the summary of my case in *Feudal England*, which might, on some points, have modified his views.

J. H. ROUND.

<sup>1</sup> "So muss die ganze Erzählung Freeman's über die englischen Befestigungen verworfen werden. . . . Die Verteilung ist eine auf keinerlei Quellenangabe gestützte Vermutung Freemans," (p. 44).

<sup>2</sup> See Dean Stephen's letter in the *Athenæum*, December 19, 1896.

<sup>3</sup> *Feudal England*, pp. 354-5.

*Ireland, 1494-1868*, with two introductory chapters. By WILLIAM O'CONNOR MORRIS. (Cambridge: University Press. 1896. Pp. ix, 372.)

THIS volume in Professor Prothero's Cambridge Historical Series very forcibly illustrates the reaction of a subject upon an author. Irish history prior to the era of the Tudors is in the highest degree confused and obscure; so are the earlier chapters of Judge Morris's book. During the two centuries of Tudor and Stuart rule the general current of historical development in Ireland may be discerned by the application of minute research and profound reflection; nothing less is demanded from the reader by the corresponding chapters of the volume before us. After 1690 the history of the island becomes clear and distinct, with salient features that readily catch the eye and give a clue to the whole subject; the author's style in the later chapters develops similar qualities and his narrative becomes intelligible and not unattractive.

The limitations upon the writer in respect to space are clearly responsible for the unsatisfactory character of the book. A complete stock of information and an impartial spirit do not necessarily qualify a man to write a good short history. So far as they go these qualities are manifested in the present work; but they are not supplemented by that happy faculty which enables an author simultaneously to tell a story and to make it luminous with philosophy. There is in this book too much of that particularly irritating practice in which a fact or an incident which cannot be adequately explained for lack of space is dragged in and dropped out by a mere allusion. The author displays his knowledge and confounds the argus-eyed critic; but the average reader is left helpless and indignant. To any one who has not considerable acquaintance with the facts of Irish history, the first third or half of the present volume will be difficult reading.

From the reign of James I. on—that is, from the time when the ostensible source of Ireland's perennial woes is found not in race hatred, but in religious animosity and in the struggle for ownership of the soil, Judge Morris's narrative runs with relative smoothness and lucidity. The confiscations and plantations of the seventeenth century are set forth in a markedly unprejudiced spirit; the penal code of the eighteenth receives adequate exposition and proper condemnation; and the brilliant episode of "Grattan's Parliament" is treated with historical justice. Throughout his discussion of the eighteenth century Judge Morris largely follows, with due acknowledgment, the great work of Lecky. He differs from the latter, however, in one much-mooted point. Lecky believes that in the Irish Parliament some votes for the Act of Union in 1800 were paid for by the government in cash; Judge Morris declares that "direct bribery was not employed." When it is universally conceded that votes were gained by the bestowal of peerages, of pensions and of sinecure offices, it would seem as if the point in issue were of slight importance. But Irish politics can never be judged by canons elsewhere applicable. Apologists for the Union have proved with true Hibernian logic that the



gaining of votes by the bestowal of peerages, pensions and places involved no element of corruption or bribery ; hence, if there was no immediate payment of cash, the Pitt ministry achieved the Union with clean hands. It is to meet this contention that the Irish Nationalists have sought, and according to Mr. Lecky have found, satisfactory evidence of direct payments from the secret service funds.

Judge Morris's efforts to be absolutely impartial in assigning praise and blame for the policy and methods of Pitt's government at the time of the Union, are obvious and are fairly successful. But he cannot escape a final relapse into the canting phrase that seems inevitable in discussing British relations with the Irish. Important support was given by the Catholics of Ireland to the cause of the Union on an official assurance by the government that relief from their political disabilities would follow. This pledge was not fulfilled. Thus, the author observes, "by one of those accidents so frequent in Irish history, Catholic Ireland was again deceived ; what was done had only too much in common with Strafford's 'Graces' and the broken treaty of Limerick." Why acts of deliberate perfidy and deceit should, when perpetrated by the British government, be so commonly described as "accidents" when no such euphemism is ever employed to designate similar acts of the Irish, is one of the problems that confronts every student of Irish history.

In his concluding survey of the period from the Union to 1868 the author is in the main more satisfactory than could be expected. He is evidently an ingrained adversary of all that has in recent years expressed itself in the Parnell movement. Yet he does fair justice to O'Connell, both for his character and his purposes. Judge Morris in this respect recalls the position of Lecky, who finds for Irish agitators of the past and their various demands an abundance of rational justification, but sees in the aims of contemporary leaders and movements only viciousness and anarchy.

WM. A. DUNNING.

*The Year after the Armada and other Historical Studies.* By MARTIN A. S. HUME, F.R.Hist.S. (New York and London : The Macmillan Co. 1896. Pp. viii, 388.)

A MOST valuable secondary result, a sort of "by-product," of the editing of the English state papers and national records has been the training of a group of investigators with a scientific method of historical study. The enforced restriction to authoritative texts, the rigorous use of a given chronological arrangement, a modicum of textual criticism, and some ingenious search for documentary illustration of obscure points not only furnish historical sources in a form invaluable to students, but have a most important reflex influence on the editor himself. Of students and writers trained in such work England has now a considerable number, Major Hume being an instance, but in the past it has not been so. One can therefore hardly avoid the belief that there is a close connection be-



tween the lateness with which the English government took up this work, as compared with some of the Continental countries, and the inferiority of English historical production, judged according to modern standards. If Froude or Macaulay, for instance, had served an apprenticeship to his science by editing some volumes of the Rolls Series or of the *Calendars of State Papers*, in addition to his apprenticeship to his art, the world might possibly have lost some picturesque and dramatic writing, but it would certainly have gained some more accurate and judicious information about the periods with which those writers have been principally concerned. The union of high literary skill with a judicial attitude of mind and scientific methods of study in any very exhaustive historical work is an interesting phenomenon which has hardly occurred in English writing for some generations and will be all the more welcome when it shall appear.

Major Hume's book is an instance of some of the results of the training to which we have referred. It consists of nine essays on matters connected with the history of England and Spain during the sixteenth century. The first and longest of these is an account of a little-known or little-considered expedition sent by England against Spain in support of a certain pretender to the Portuguese crown, in the summer of 1589. Historically the most valuable result of this study is the measure it gives us of the limitations of English military and naval possibilities at that period. Notwithstanding the glamour of English success in the narrow seas and in rapid forays into Spanish ports in the old world and the new, it was only within those narrow limits that she had any chance of success. The vacillation and the parsimony of the home government, the lack of funds, of men, and of great military talents would have doomed to certain failure any more ambitious plans of warfare or of invasion. But a secondary interest of the essay, and one which is typical of the whole series, is the entire devotion of the author to his sources, and the new group of these which he has laid under contribution. In addition to some familiar English records he has used the official reports of the Spanish ministers to their home government and two recently discovered contemporary manuscript accounts from the Spanish and Portuguese sides. A whole mine of information and of explanation is thus laid open, and the same kind of sources is drawn upon in all of the subsequent essays. The second of these follows the career of a typical soldier of fortune of those days, Julian Romero. We find him fighting against the Moors in Tunis, in Flanders against the French, in the service of the English king against the Scots and the rioters of Kett's rebellion, again in the Netherlands against the French and later against the Emperor's own rebels, and still later in the wars in Italy. All through Alva's terrible administration and those of his two successors, from the arrest of Egmont to the destruction of Antwerp, he was in the foremost of the cruel struggle against the Netherlanders. But little of this narrative could have been constructed had it not been for the various series of *Calendars of State Papers*, English and foreign, and for the Spanish *Documentos Inéditos*. In the third

essay, which is occupied with the history of the sojourn of Philip II. in England as husband of its unfortunate queen, the points of especial prominence and originality are the continued and general unpopularity of Philip's Spanish attendants, their restiveness under the restraints and humiliations of their position, and the gradual development of Philip's conviction that the English marriage alliance would be of no political value to him. That part of the plan which consisted in the king's obtaining an influence over his wife succeeded admirably, but Philip and his advisers discovered that in England even the Tudor absolutism was hampered at every turn by the power of the ministers and of the nobles and even by the privileges of the mass of the people. The author's conception of Philip's character and the description of his manners as brought out in this and other essays is quite different from that which has been generally received. His conduct toward Mary is described as grave, courteous and dignified. He is characterized as "a laborious, narrow-minded, morbidly conscientious man, patient, distrustful and timid, a sincere lover of peace and a hater of all sorts of innovations. He was born to a position for which he was unfitted and was forced by circumstances stronger than himself to embark upon gigantic warlike enterprises which he disliked and deplored."

Whether this is a correct estimate of Philip's character or not, the atmosphere into which we are brought by Major Hume's writing is a normal uncolored one, in which fair judgments are practicable and natural. Moreover it is a clear atmosphere in which objects and people stand out with remarkable vividness. The men and women whom we meet in the essay, "A Palace in the Strand," are very real indeed, and, familiar as their names may be, they are given a new life to the reader, even if this life is somewhat shabby beneath its gorgeous exterior; if the maiden queen does make questionable jokes and obtain the diamonds of her guests by equally questionable means; if Cecil does cheat Raleigh out of his frontage on the street, and most of the other ministers take bribes from both parties.

The book is a handsome one in binding, in paper and printing, and in its portraits, some of which one is tempted to cut out and frame. It is all the more a matter of regret that there are some prevailing defects. The Tudor rose, which occurs so frequently as an ornament, is deprived of its significance as an emblem of the two houses of York and Lancaster by having three circles of petals instead of two. In two cases the coat of arms has the motto "*Dieu est mon droit*," and there is an occasional misspelled word. But if any general criticism of the book is to be made, it is upon the comparative unimportance of the subjects with which it deals. They are all, it is true, genuine historical matters, and they are undoubtedly explained more completely and clearly than they have been before. And yet there arises a sense of disappointment. One cannot but feel that so much apparatus and preparation should produce something more than mere corrections of existing views or elucidation of existing obscurities in what are after all minor points of

history. It cannot be that there is not more serious work for historical investigation and judgment than the mere filling out of the old personal narrative. In other words, we feel that the author does nothing toward the solution of the historical problems in which our age interests itself especially. It is said that each generation must rewrite history in the light of its own ideas of what is important and interesting. But mere personal narrative represents the ideals of a past generation rather than of our own. Perhaps this judgment is sufficiently deprecated in the author's preface, but it is none the less true for that.

E. P. CHEYNEY.

*History of the German Struggle for Liberty.* By POULTNEY BIGELOW, B. A. (New York: Harper and Brothers. 1896. Two vols., pp. xiv, 250; vi, 263.)

MR. POULTNEY BIGELOW'S *History of the German Struggle for Liberty* is hardly a history in the ordinary sense of the word. From a book presuming upon that name, we have a right to expect information which Mr. Bigelow does not give. It is not extravagant to demand a comprehensive view of the dominant government, a picture of the evolution of its organs, an analysis of the personal contributions to current political struggles; in short, we may rightly insist that the state be regarded as a main theme of the argument to which we are invited to give hearing. Mr. Bigelow does not agree with the general opinion in this matter. I need only refer to a few examples to illustrate his neglect of the highly important political aspects of his chosen period. In the first volume he freely condemns the governmental system in vogue in Prussia before 1806. This is the notorious *Cabinets-regierung*. Have we not a right to demand that the indignation, in which we are invited to share, be fed through our intelligence by the aid of a careful exposition of this mischievous system? Again, we read concerning the reforms of Stein (I. 169): "The revolution which Stein accomplished has no parallel in history." If this is true so unique a movement deserves more than two pages, agape, moreover, with omissions. Such staring *lacunae* as these must needs detract from our opinion of the severity of Mr. Bigelow's studies.

If Mr. Bigelow's view of his task is not so comprehensive as might be desired, it must be granted, nevertheless, that his book commands our interest at the start and holds it to the end. The author has reconstructed his period with much vivacity. Once let it be understood that he is not writing for the historical professor, but for the general public rather, with its human and literary interest in the broad movements of national life, and there is easy and pleasant sailing under his pilotage. In more than one respect Mr. Bigelow's method recalls Carlyle. Mr. Bigelow, like Carlyle, scouts the painstaking elaboration of organic matter, and offers instead a rapid succession of dissolving views of men and of events. His book moves like a series of more or less connected scenes upon a stage. Many of them must be regarded as vivid

and variegated. That they, nevertheless, fall far short of Carlyle's measure of force and clarity, goes without saying. Carlyle's keen imagination does not become the property of every writer who chooses to assume his tone. But in spite of the seizing power, which can not, in general, be denied Bigelow's pictures, they are likely to cloy somewhat a delicate taste, by reason of the absence from the author's art of a certain technical refinement. Mr. Bigelow does not carry a camel's-hair brush in his artist's kit. Perhaps it summarizes his style fairly to say, that even his best chapters do not get beyond the state of the rough draught or the cartoon.

The history deals with the momentous matter included between the years 1806 and 1814. The collapse at Jena is its introduction, the triumphal entry into Paris its epilogue. Our narrative leaves no doubt that it was a fossilized, and, therefore, foredoomed government which was interred by Napoleon through the agency of his great victory. Prussia was an absolute monarchy and, since the holder of it was unfit for his place, the monarchy had to go under. The whole despicability of the unworthy Hohenzollern, Frederick William III., who lent his ear frequently to only two councillors, dullness and his twin-brother, timidity, is set in sardonic relief. Then comes the reconstruction of Prussia on a new and popular basis. The monarchy took the revolutionary and unheard-of step which the patriots urged unceasingly, and sought salvation out of ruin by an appeal to the people. The eighteenth-century despotism was thus converted into a really national kinship. The transformation, beyond doubt, saved Prussia and its royal house. As one of the most remarkable features of the age of reforms stands forth the attitude of Frederick William. He remains throughout the immovable tory, and if his throne was founded anew after Jena it was not through his efforts, but in spite of them. It is here that Mr. Bigelow is at his best. His narrative takes on a warmer glow, and he follows with sympathy and with vivacity the struggles of the patriots, of Stein, of Gneisenau, of Scharnhorst, of Blücher, of Hardenberg, which resulted in the renewal of the Prussian national life, and through it of the life of the state. The genius which floats over the country in its hour of darkness, shedding light and courage, is Queen Louise. Perhaps Mr. Bigelow makes too much of the dramatic possibility which lies in this queen's name, but we must, in any case, be thankful to him for offering us the frequent views he presents of so thoroughly lovely and refreshing a princess. The excerpts from her diary (I.209 seq.) which could well bear publication in full, fasten on the mind the image of a rare Christian tenderness and humility.

Our final word must be one of very qualified acceptance. To make even a good popular book, a revision seems indispensable. Small errors of fact, over and under-statements, are annoyingly frequent. It would be, above all, well to reconsider the basic principle of the work, the treatment by episodes. The single chapters are carried backward and forward in time almost at will, with the result that they cut across each

other continually, to the detriment of the rules of logic and æsthetics. I also venture to put forth the iconoclastic suggestion that the illustrations be removed. Even if they were good, the taste which incorporated them in a serious work might be impugned, but as they are quite indifferent, there is absolutely no excuse for them, and in their total they do not weigh as much as three or four excellent reproductions of original portraits.

FERDINAND SCHWILL.

*A Cycle of Cathay, or China South and North, with Personal Reminiscences.* By W. A. P. MARTIN, D.D., LL.D. (New York, Chicago, Toronto: The Fleming H. Revell Company. 1896. Pp. 464.)

DR. MARTIN, until recently President of the Tung wen College at Peking, is so well known to all foreigners who have within the last thirty years visited the capital of China, his intimate knowledge of Chinese is so universally acknowledged, and his long acquaintance with most of the statesmen, who have risen to prominence in connection with foreign affairs since the opening of Peking to the western world in 1860, has been such an unique privilege, that his reminiscences of the cycle he has passed in Cathay, contained in the present volume, could not fail to prove of considerable interest.

The first part of this book is taken up with the Doctor's missionary experiences in southern China extending from 1850 to 1858 and is, I fear, of but little interest to the reader of the present day, who has become thoroughly familiar with the experiences of that class of foreigners in China. It is noteworthy that the Protestant missionary in the fifties was, as his successor of the present day still is, much given to losing the guileless young neophytes in the abstruse mazes of Christian theology. Thus Dr. Martin tells us (p. 69) of some of his, probably illiterate, catechists being examined for admission to a church on "the mystery of the hypostatic union of persons in the Trinity"—which in this special case was the more to be deplored as the teacher himself appears to have professed heterodox views on this unfathomable mystery.

The second part of the work is devoted to the Doctor's life in Peking, from 1860 to 1893, during which he was President of the Government College and semi-official legal adviser of the Foreign Office, and contains much of interest on the progress of western studies in China and on the notabilities of the capital. The pages devoted to Sir Robert Hart, the Inspector-General of Maritime Customs, to Prince Kung, to Li Hung-chang and the Marquis Tseng are peculiarly interesting and give, I think, an impartial and fairly correct appreciation of the character and services of these eminent men. It is but just to note, however, that the Doctor is not always impartial in his estimation of men. His criticisms (p. 184) of Mr. W. B. Reed, our first minister to China, on whose staff he served as assistant interpreter, during the negotiation of the treaty

of 1858, are peculiarly harsh, and the writer's asperity is apparently due only to the fact that the minister claimed for himself the honor of the insertion in the treaty of the so-called "toleration clause," which the author thinks belonged to himself and to Dr. S. Wells Williams, the legation interpreter, though he lessens the importance of this clause on another page by stating that it had been inserted in previous treaties and that the Chinese government had therefore already committed itself to the principle it denounced.

A number of chapters of this book are more or less borrowed from or implied by the Doctor's previous works, especially his "Hanlin papers;" in fact, this book, itself a compilation of short papers published in various periodicals, may be considered the principal authority of the writer for many of his most interesting statements, as for example on the Jews of Kai-feng Fu, Chinese education, philosophy and Confucian ethics.

*The Jesuit Relations and Allied Documents.* Travels and Explorations of the Jesuit Missionaries in New France, 1610-1791. The Original French, Latin and Italian Texts, with English Translations and Notes. Edited by REUBEN GOLD THWAITES, Secretary of the State Historical Society of Wisconsin. Vols. I. III., Acadia, 1610-1616. (Cleveland: The Burrows Brothers Company. 1896, 1897. Pp. xiii, 319, 310, 301.)

The edition of the *Relations des Jésuites* published by the province of Quebec in 1858 has now become somewhat scarce. Its three stout octavo volumes contain only the letters inserted in the Cramoisy series (Paris) from 1632 till 1672, with two or three additional ones. It is a fair reproduction of the original text, but without annotation. The O'Callaghan edition, subsequent to the Quebec one, is far superior to it, yet not complete.

The Thwaites edition, now being published, will mark an epoch in the historical literature of North America because of the abundance and value of the documents reproduced and the vast erudition utilized by the editorial staff, the taste displayed by the printer and the careful arrangement. The original French, Latin and Italian texts in which the various letters, narratives, descriptions, etc., were written are given with English translations and notes, making the collection a full record of small as well as great facts connected with the history of the early explorations of Acadia, Canada and all the northern groups of the United States. Mr. Thwaites will cover one hundred and eighty years with his sixty volumes of this rare and valuable literature: rare because it is next to an impossibility to gather all the scattered fragments into one hand, and valuable if you calculate either their high market price or the treasure of knowledge they add to our studies. Mr. Thwaites properly observes that "The story of New France is also, in part, the story of much of New England, and of the states whose shores are washed by the Great Lakes



and the Mississippi River. It may truly be said that the history of every one of our northern tier of commonwealths, from Maine to Minnesota, has its roots in the French régime. It is not true, as Bancroft avers, that the Jesuit was ever the pioneer of New France; we now know that in this land, as elsewhere in all ages, the trader nearly always preceded the priest. But the trader was not a letter-writer or a diarist; hence we owe our intimate knowledge of New France, particularly in the seventeenth century, chiefly to the wandering missionaries of the Society of Jesus."

It is only right to mention in this place the editorial staff, as their names are vouchers for the correctness and the ability which makes the present series a commanding edition above all previous ones: —translator from the French, John Cutler Covert; assistant translator from the French, Mary Sifton Pepper; translators from the Latin, William Frederick Giese and John Dorsey Wolcott; translator from the Italian, Mary Sifton Pepper; assistant editor, Emma Helen Blair. As for Mr. Thwaites, under whose direction this enormous investigation is accomplished, it is needless to discourse upon his extensive labors in this particular field or to commend his control of the innumerable facts embodied in such a work.

The first volume contains eight letters and five illustrative documents relative to the years 1610–1613 in Acadia. Marc Lescarbot opens the list with his pamphlet on *The Conversion of the Savages*. This clever man and capital observer resided in Acadia during the years 1606–1607 and published several other works relative to the country. His erudition seems to have been extensive and sound. He deals at the outset with the probable origin of the beliefs found amongst the Indians of America in regard to the Creation and such generalities. But his main aim is to facilitate the spreading of Christianity throughout the newly discovered regions of the West. He reproves the Europeans for their lack of zeal. This brings on an examination of the doings of the explorers, and he gradually concentrates his views upon Acadia, where De Monts and Poutrincourt had recently tried their hands at starting a colony with but slight success. These pages are replete with curious information. The author shows how friendly the Indians were to the new-comers and exhibits their manner of life, not omitting an account of the influence of the great Sagamore Membertou and his family, all of them with several others "enrolled in the family of God by the cleansing water of holy baptism"—for Lescarbot was a strong believer in the conversion of all who did not refuse to be christened.

The second document in the first volume is "A Letter Missive in regard to the Conversion and Baptism of the Grand Sagamore of New France," written in Acadia (1610) by one Bertrand, a Huguenot layman, who describes the conversion of Membertou and his fellow savages, and speaks with enthusiasm of the new country.

Just as this short letter of Bertrand and the book of Lescarbot were in the hands of the printer in Paris (1610) two Jesuit fathers received instructions to embark for Acadia. The Frenchmen of Port Royal and other localities in the colony were already divided between themselves;



the addition of the Jesuit element was not calculated to smooth the situation. In fact the trouble began even before Fathers Pierre Biard and Ennemond Massé left France for their new destination.

Biard was a talented man. The three letters written by him in 1611 are the first productions of the Jesuit literature inserted in the volume now before us. There is also a letter from Father Massé of the same year. Biard, like Lescarbot, must be read line by line because the texture of his phrases holds so fast that every expression is a link in the chain. I will, nevertheless, try to give an idea of his style by quoting a few passages of his second letter dated from "Port Royal, New France, or Canada," June 11, 1611. During the winter the people at Port Royal thought wise to cut down their rations, "but such economy was of little avail, since Sieur de Poutrincourt did not lessen his liberality towards the Savages, fearing to alienate them from the Christian faith. He is truly a liberal and magnanimous gentleman, refusing all recompense for the good he does them; so when they are occasionally asked why they do not give him something in return for so many favors they are accustomed to answer cunningly: *Endries ninan metaij Sagamo*, that is to say: Monsieur does not care for our beaver skins. Nevertheless, they have now and then sent him some pieces of elk-meat. . . . But they [the French] had a good chance to economize when the winter came, for their mill froze up, and they had no way of making flour. Happily for them they found a store of peas and beans, which proved to be their manna and ambrosia for seven weeks. Then April came, but not the ship; now it was just as well that the mill was frozen up, for they had nothing to put in the hopper. What were they to do? Hunger is a bad complaint. Some began to fish, others to dig. From their fishing they obtained some smelts and herrings; from their digging some very good roots, called *chiqueli*, which were very abundant in certain places. . . The whole foundation of Christianity here consists, after God, in this little settlement of a family [Membertou's] of about twenty persons. Messire Jessé Flesche, commonly called the Patriarch, has had charge of it; and, in the year that he has lived here, has baptized about one hundred savages. The trouble is that he has not been able to instruct them as he would have wished, because he did not know the language, and had nothing with which to support them; for he who would minister to their souls must at the same time resolve to nourish their bodies. This worthy man has shown great friendliness toward us, and thanked God for our coming."

The history of Acadia in 1610-1613 is merely that of an attempt to catechise the aborigines; every individual concerned in the management of the colony seems to have adopted this scheme as the main policy to pursue—Poutrincourt, Lescarbot, Bertrand, the Marchioness de Guercheville, the missionaries Fléché, Biard, Massé, Quentin, Du Thet.

On the background of the same scene were the traders Pontgravé, Latour, Bertrand and others, occupied in cajolery with Membertou and his people in order to procure beaver skins. Of course, these merchants kept an active rivalry between themselves, and Membertou reaped the

benefit. As to actual settlers and tillers of the soil it is hardly possible to find more than a meagre commencement of such a colony. The men hired by De Monts and Poutrincourt, recruited in the towns and cities of France, were unfit to make a living in Acadia by their own industry. They could neither plough the land nor kill the game in the forest nor fish. Their existence depended upon the provisions brought from Rouen.

At the end of the volume we have several papers dealing with the state of affairs of early Acadia, by Father Jouvency, a historian of the Society of Jesus who wrote (in Latin) one hundred years later—a précis of the expedition of Samuel Argall, in 1613.

Volume II. contains three letters from Pierre Biard and one narrative by Lescarbot, all concerning Acadia in 1612-1614. Biard has decidedly improved in his knowledge since the year 1611; a few months of residence at Port Royal and two or three journeys into the wilderness opened a large field to his keen faculties of perception; he is now conversant with the situation from the River Penobscot to Cape Breton and from Gaspé to the Bay of Fundy. No one before him, even Champlain, obtained so wide a view of the country. The climate, the nature of the soil, the forests, the physical characteristics of the various regions, are fully and clearly described by him. The circumstances attending the opening of the religious missions in that new land are set forth in impressive language. The visits to savage tribes by Father Massé and himself, with details of conversions and baptisms, also a statement of the conditions and prospects of spiritual work among the aborigines, present facts of high interest because they apply not only to the Indians of the East, but in their main features to all the nations afterward discovered in other directions. He reviews with fairness the previous missionary enterprise of Fléché and the rival establishment at Mt. Desert. Then follows an account of the destruction of both establishments (1613) by Argall, and of the fate of the Jesuit prisoners in Virginia and England. The last letter of Biard, written during the winter of 1613-1614, is a remarkable document, bearing in its first part on the whole of New France as known by the explorers at that date, its geography, its climate, its people and their customs.

The style of Father Biard is lively and his quaint old forms of speech very attractive. In his Latin this is hardly perceptible, but his French is that of Montaigne. When he tells us of a trip he made to a trading post on the St. Croix and St. John rivers, this first initiation to the life of the *coureurs de bois* makes things whirl in his head and he is at a loss to understand the merriment of these folk: "During the day, nothing but friendliness. But (alas!) when evening came, I know not how, everything was turned topsy-turvy; confusion, discord, rage, uproar reigned between our people and those of St. Malo. I do not doubt that a cursed band of furious and sanguinary spirits were hovering about all this night, expecting every hour and moment a horrible massacre of the few Christians who were there. . . . The next day, this nocturnal storm

ended in a beautiful and delightful calm, the dark shadows and spectres giving way to a luminous peace."

Next follows Lescarbot's Last Relation of what took place in the Voyage made by Sieur de Poutrincourt. The author praises Poutrincourt for his exertions in Canada in behalf of both religion and civilization, and urges that he should be aided in his colonial enterprise as a necessary basis for religious work in this portion of the New World. The life at Port Royal is pictured in some detail; its labors and privations are dwelt upon. He does not fail to exhibit, although cautiously, his dislike of the Jesuits, and endeavors to show that their coming to Port Royal involved delay and expense to the colonial movement, thereby injuring Poutrincourt. The possibility of making Christians out of the wandering Indians puzzles his mind, whilst the conclusion of Biard's study of the case is that, despite all the drawbacks, the Jesuit mission in Acadia has made a hopeful beginning.

This second volume is illustrated with four good engravings comprising maps and plans of Port Royal.

Volume III. is wholly from the pen of Father Pierre Biard and may be called a full history of Acadia up to 1614. Supposing for a moment that we were at present totally deprived of books relating to the first connection of the Caucasian with the shores of Newfoundland, Cape Breton and Cape Cod, this sole production of Biard would be sufficient to save the record of these facts from oblivion.

Beginning with the Bretons who discovered a part of the Gulf of St. Lawrence in 1504, we are brought gradually to 1604, when De Monts settled in Acadia, a round period of a century, and during the ten subsequent years the struggles of the Normans, the French Bretons, the Jesuits, the English in various sections of the coast, are related with simplicity, but with many keen and even philosophical observations.

"Whatever I saw there," he says, "was extreme poverty. Wretched cabins, open in many places; our food, peas and beans, rather scarce in quantity; our drink, pure water; the clothes of our people all in rags; our supplies found in the woods from day to day; our medicine a glass of wine on great holidays; our restoratives, perchance a little feathered game; the place uninhabited; no footprints upon the paths; our shoes only fit for the fireside. After this, go and say there is no winter in Canada. But at least do not say that the water here is not excellent, and the air not healthful, for it is certainly wonderful."

Fresh air and drinkable water, such were the practical results of the schemes conceived by De Monts, Poutrincourt and Madame de Guercheville. In 1613 Acadia was abandoned a second time, and twenty years were to elapse before the French authorities should devote their attention to it again. The Basques and the Bretons kept themselves busy as usual at the fisheries and enjoyed the liberty of trading for furs with the Indians, which was no more contested by De Monts or Poutrincourt. The actual situation of Acadia had returned to what it was from 1504 to 1604, with this difference only, that Biencourt and Latour remained in the

country with a few *coureurs de bois* in order to trade with the vessels coming yearly from France for that purpose. These two typical adventurers used to gather the pelts they could get in barter with the Indians and in time sell them to the Bretons or other French navigators. In this pursuit they continually occupied the vast area of land and sea explored by them, but more especially the peninsula of Nova Scotia, where they planted trading posts or forts, at its southern extremity.

Thus we are far from realizing the dazzling conceptions of Poutrincourt, who imagined that he had created a barony for himself when he received the grant of these wild lands from De Monts and afterwards from the King of France. Commerce was no object to him, he said. His son and Latour, who quarreled because they found that immense domain too small for their cupidity, were traders and nothing else. Madame de Guercheville wished to civilize the Indians by the employment of good preachers and schoolmasters. De Monts was wholly given to trade. None of them ever thought of the necessary element for the foundation of their pretended New France; they forgot entirely to send there a few rural families to make a beginning of the cultivation of the soil. The men they took with them were all radically unfit to make a living in a new country.

Father Biard seems to have realized that the French are not the sort of people to build a colony, when he shows how short-sighted they were during the years 1604-1613. The example of 1608-1760 in Lower Canada demonstrates on a large scale their incapacity in that respect. The explorations of the continent, Jesuit missions, war with the Indians, war with the English, all led up to a petty system of fur trade that was for the benefit of a few and of no avail to colonization. On the contrary, it always worked against the agricultural community. The latter was but a tiny shadow of what the English colonies possessed in that line. No industries, no self support; then monopoly after monopoly; nothing provided for the future. Total: 1760.

Biard writes in 1616 that if another experiment should ever be tried it would be well to dismiss first the pretentious and out-of-place idea of feudal organization for a country without inhabitants save the unruly savages. This advice was not followed by Richelieu, who established the Hundred Partners in 1627. Biard asks for the selection of a suitable locality where an earnest and sound agricultural settlement could be made; when this was done and the colony in a position to sustain itself in respect of the necessities of life it would be time to think of evangelization and fur trade.

We all know that France kept on the track of 1604 and did the reverse of what Father Biard advocated.

BENJAMIN SULTE.

*The Beginners of a Nation ; A History of the Source and Rise of the earliest English Settlements in America, with special Reference to the Life and Character of the People.* By EDWARD EGGLESTON. (New York : D. Appleton and Co. 1896. Pp. 377.)

As this is the first volume of an extended work, any judgment passed upon it must be to a degree provisional. The plan of the author is not fully revealed; the position which this volume is to occupy in the completed series cannot yet be accurately known. Still in his preface Mr. Eggleston has taken the reader to an extent into his confidence. From what is there stated one would infer that it is his purpose to write what Guizot, for example, would have called a history of civilization in the Anglo-American colonies. By taking account of the social and political forces operating then and there, he hopes to reveal the character of the age, the traits of the colonists, and the motives which led to colonization. Conversely, by a study of the colonists themselves, both individually and collectively, he will aim to show what was the nature of the forces to which they were subject. And yet it is far from the intention of the author to make his treatment of the period impersonal or in any sense abstract. He intends that it shall be a study of life as it actually existed, and that life shall be made to reveal itself through abundant examples.

The volume before us is devoted to the colonizing enterprises of the English on the American continent prior to the middle of the seventeenth century. After describing the notions—most of them false—which were at that time held concerning the New World, the author shows how Virginia, Maryland and the Puritan colonies of New England were founded. The whole, exclusive of notes, is compressed within less than 300 pages. The intention rigidly to exclude from view all that was not permanent and controlling is indicated by the fact that the work of Gorges, Mason and the New England Council is ignored. The material gathered during the years of patient research has been carefully sifted, and that which has been selected as germane to the purpose is presented to the reader in a style of such beauty and force as to make the book at once a history and a contribution to literature. The geniality of the author appears on every page. He shows little love for events or facts as such, but an affection for representative men which leads him to give what some might think a disproportionate amount of space to the analysis of their characters. But to these characterizations, at once just and brilliant, much of the attractiveness of the book is due. As they proceed from a critical study of the sources, and as the leaders at the outset largely gave direction to events, the writer seems justified in making prominent the biographical element in his narrative. This also seems to be in harmony with the general purpose of the work.

Upon the publication of a book which, like this, will be widely read, and deservedly so, the inquiry is forced upon the critic, what is the peculiar contribution here made to the literature of American history? If one looks for new facts, for positive additions to knowledge, few will be found.

Here and there from some obscure pamphlet or monograph, or from its hiding place in the volumes of some collection, a fact hitherto neglected or unknown has been brought forward and placed in its proper setting. But the field here covered has been too long cultivated and the gleaners within it have been too numerous to leave many facts undiscovered. In the later volumes of the work more positive contributions to knowledge in this form may be expected.

If one inquires whether a distinctly new point of view has been attained, resulting in a more satisfactory grouping of the facts than has been common, he will be compelled, on the whole, and so far as this volume goes, to give a negative answer. Other writers have accounted for the illusions concerning America under which Europeans of the sixteenth and seventeenth centuries labored, while the false views of colonization to which they contributed and the disastrous experiments resulting therefrom have been many times described. The intelligent reader will find himself on familiar ground when he follows Mr. Eggleston's account of the settlement of Virginia, of Separatism and Puritanism in England, and of the colonization of New England. The leading characters as they pass in review before him, John Smith, Bradford, Winthrop, Cotton, Roger Williams, Hooker, have in general the features with which he has long been acquainted. Sir Edwin Sandys is brought into deserved prominence, and his connection with the founding of more than one colony is shown. The colonization of Maryland is thrown into stronger relief than heretofore by showing at once the similarity and the contrast between its early development and that of the Puritan colonies of New England. But the reason why Maryland should be classed with Rhode Island and Connecticut as representing centrifugal tendencies in colonization is not quite apparent. Certainly it was not an offshoot of Virginia in anything like the sense in which the two colonies of southern New England were off-shoots of Massachusetts. The character of Calvert and his attitude toward toleration are treated with admirable judgment, but in discussing, from the legal standpoint, the possibility of establishing a Catholic colony in Maryland, Mr. Eggleston does not refer to the fact that the Elizabethan Act of Uniformity mentioned the dominions. So long as that was true the reference in the charter to rights enjoyed by the Bishop of Durham when England was Catholic would probably have proved worthless. In general, it seems to the reviewer that Mr. Eggleston in this volume has given to the public an able discussion in outline of the political and social history of the earliest Anglo-American achievements in colonization. It is neither purely political nor purely social history, but the two are so combined that the political element predominates. For this reason one is led to ask why most of the material in the chapter on the Procession of Motives was not reserved for a later installment of the work. The point of view, the method of treatment, the combination of political and social history in this volume, are such as to make it not essentially unlike the productions of the best of Mr. Eggleston's predecessors in the same field.



But the spirit in which the material of this book has been wrought out and presented is far superior to that usually attained. The author has put ancestor-worship, sectionalism and partisanship beneath his feet. His treatment of men and events is realistic. He has striven to know and to depict men as they were. He has not allowed later events to distort his vision of the beginning of things English on this continent. He says that he has not been able to treat the early settlers otherwise than unreverently, as men and women possessed alike of the faults and the excellencies of their age. This, of itself, is a great achievement. One has no difficulty in discovering that Mr. Eggleston admires the qualities of Sandys, of John Smith and Roger Williams, and that he dislikes the Earl of Warwick, Dale, Endicott and Cotton. The strictures upon some of these, and thus upon what they represent, are unusually severe; but at the same time the faults of his favorites are not concealed or slurred over. The highest test of the author's objectivity will come when events in which England was more directly concerned come into view, and when characters like Andros, Edmund Randolph and Hutchinson have to be discussed. It is believed that we have reached a time when a broad and impartial treatment of our early history is possible, and when such treatment in many quarters is actually in demand. The success with which Mr. Eggleston has met this demand constitutes, in the opinion of the reviewer, the highest merit of this installment of his work.

HERBERT L. OSGOOD.

*Calendar of State Papers, Colonial Series, America and West Indies, 1677-1680*, preserved in the Public Record Office. Edited by the late W. NOEL SAINSBURY and the Hon. J. W. FORTESCUE. (London: H. M. Stationery Office. 1896. Pp. lvi, 700.)

This is the fifth volume in the series of *Calendars* relating to American colonial history, issued by the British government in recent years. It has an interest, apart from its intrinsic value, in being the last of the *Calendars* the preparation of which had the benefit of the long experience and special knowledge of the late W. Noel Sainsbury. The summary of the contents of the present volume is from the pen of the present editor of the series, Hon J. W. Fortescue.

The *Calendars* make no pretension to being anything more than full indices. As compared with the text of the original documents, they are meagre and unsatisfactory, especially so to students whose attention has been directed to the accumulation of facts relating to the economic condition of the people of the colonies. Such facts are to be found in documents of all kinds, but they are generally of a character to be passed over in preparing a mere synopsis.

In examining this bulky volume, a feeling of regret is aroused that the British government has not published the original documents in full, a vast and costly undertaking, it is true, but one which would have the hearty commendation of the descendants of the English people in all



parts of the globe. Primarily, it would appear that this obligation rested upon the states once forming the thirteen American colonies, but it is an obligation which only a few have recognized. It has never, for instance, been recognized by Virginia, although these *Calendars* show the presence, in the British Public Record Office, of a great collection of documents of the most varied character, throwing a flood of light upon every aspect of her colonial life.

The present volume covers only the brief interval between 1677 and 1680, and yet it would be difficult to decide as to the superiority in importance, as well as in quantity, of matter relating to the history of each colony, which it contains. In all the colonies a spirit of unrest seems to have prevailed, showing itself ready on the slightest provocation to burst out into an active flame. Among the most important documents touching Virginia are the "Grievances of the Counties," drawn up in reply to the inquiries of the English commissioners sent to Jamestown to investigate the causes of the uprising in 1676. Of hardly less interest are the outlines of documents showing the bold and even arrogant spirit of the assemblies at a somewhat later time in opposition to the seizure of their records and to the acceptance of bills formulated in England.

In North Carolina a rebellion on a small scale broke out in 1677, the year following the uprising in Virginia. Baltimore, writing about this time from Maryland, which was then in a state of peace, admitted that very slight causes would produce an insurrection there. In Massachusetts a controversy was in progress over the claims of Mason and Gorges respecting Maine and New Hampshire. In Newfoundland a conflict had been going on between the permanent settlers of that island and the alien fishermen who sought the banks at certain seasons of the year. In Bermuda a minority of the members of the Somers Isle Company had raised a loud protest against the burdens which the majority had imposed upon the planters of the colony.

From all the colonies, whether in the South or in the North, appeals and counter-appeals were coming to the Board of Trade. This was due in some degree to the policy of that body, which had been to interfere directly and constantly in the administration of colonial affairs. The editor of the volume of the *Calendars* under review asserts that this interposition was amply justified by the inability of the people of the colonies to govern themselves, and that whenever the interposition took place, the Board, as a rule, found itself confronted by "dishonesty, shiftiness and prevarication." In only too many instances the petitions of the colonists had to contend with personal ignorance and national selfishness in the Board. Both qualities were certainly very frequently displayed in the relations of that body with Virginia, to name but one colony. A striking illustration is to be found in the vetoes put upon the acts for cessation of tobacco culture passed in the last quarter of the seventeenth century, vetoes which were at the time justified on the ground that the acts tended directly to diminish the revenues of the King. The Acts of Navigation were, there is every reason to think, in spite of the arguments advanced in their

favor, highly detrimental to the interests of all the colonies. A deaf ear was turned to the protests which these acts raised even from bigoted royalists like Sir William Berkeley.

Even the brief synopsis of the colonial *Calendars*, the present volume as much as any preceding it, shows that long after the colonies had grown to great importance in wealth and population the attitude of England was as often the attitude of a master toward a slave as of a mother towards a child, a master too who did not scruple to get as much out of the slave as could be gotten without actually destroying him.

PHILIP ALEXANDER BRUCE.

*The Puritan in England and New England.* By EZRA HOYT BYINGTON, D. D. With an Introduction by ALEXANDER MCKENZIE, D. D. (Boston : Roberts Brothers. 1896. Pp. xl, 406.)

THE title is too large for the book, which is a compend of the more accessible matter in Puritan history, expressed in the form of detached essays. The whole is written in a very lucid and agreeable style, under the introduction of a distinguished Congregational clergyman. The essays treat of "The Puritan in England," "The Pilgrim and the Puritan : Which?" two thin treatises, "The Early Ministers of New England," "The Family and Social Life of the Puritans," "William Pynchon Gent.," "The Case of Robert Breck," a paper on Brunswick, Me., with a good account of the "Religious Opinions of the Fathers of New England." The latter study shows more historic insight, perhaps, than any other part of the book.

There is a pure or purist spirit, working at all times in all systems of faith, whether Roman, Anglican, Calvinistic or Quaker. When Main-tenon infused the court of Louis XIV. with asceticism, this essence was felt in the wilds of Catholic Canada, as it was relatively in Congregational Boston. The word "Puritan" must be defined historically and more severely. Some writers merge the "bare, intense spiritualism of the Puritan" into the system and life of non-conformists, Independents, moderate Anglicans on the religious and social side, together with the political life of independents, republicans and democrats on another side. Our author is one of those who forget the historic consequences of the outgrowths of the Puritan or non-conforming system in defining the general results of history to be generally Puritan. Where is the line between what is pure and Puritan and what is universal and Catholic? For example, Unitarianism is a theological outgrowth of the Calvinistic system, but it would hardly be called a characteristic part of Puritanism. So politically. Independency beheaded a king and founded republics, but what founded the republics of Virginia, Pennsylvania and Maryland?

Dr. Byington follows these confused lines of Puritan development in England, and, as might be expected, the results are inconsistent, when unfolded in the larger field of America. He admits the germinal force of the Brownist or Separatist doctrines; "from them have sprung the

great body of dissenting churches in Great Britain, and the Independent and Congregational churches in America" (p. 22). But whence came the Westminster Assembly and its Confession?

In history, whether for narration or deduction, the whole is always larger than any of its parts. In this sort of exegesis a part is constantly absorbing the whole. To wit: "The Puritan element in our population has been the controlling power in the Republic" (p. 5). "Their [*i. e.*, the early preachers of New England] theological views tended to make them the defenders of liberty. They laid the foundations of the Republic. Their churches were democratic. So were their towns" (p. 323). Whence came Benjamin Franklin, Thomas Paine and Thomas Jefferson? Paine's philosophy does not read large now; it was large then. These thinkers—who were far outside the pale of Puritanism, defined in its largest sense—brought the Cromwellian element into the political development of the United States. This was the mastering force that forever separated church and state in this fair land.

This curious mental bent deflects all writers of this school of apologists. "The religious sentiment of the Puritans has developed the altruistic feeling, so abundant in modern life" (p. 222). Where are there altruists who excel the Catholic Sisters of Charity? Our author finds the social life of New England in those days to have been pleasant and cheerful. It does not appear that he has read Sewall's *Diary*. All this leads to the more important statements of the book, which deny or explain away the bigotry of the Puritans. In the matter of Roger Williams (p. 171) or of Pynchon (p. 211) there was an inevitable necessity, which carried the authorities in about the right direction. In witchcraft (p. 176) folly drove them into horrors. It was a necessary drift of the time, which sacrificed many more victims in England or Germany. But Connecticut and Rhode Island—not to mention the middle and southern colonies—did not slaughter any. Dryden's definition is as good now as when it was written:

"Name it not faith, but bungling *bigottry*."

Dr. Byington's ideal would be found—we fancy—more nearly realized in the history of the Connecticut Puritans, than those of Massachusetts, for whom he apologizes. This is not stated, though he gives a good account of Hooker's system (p. 169). The fathers laid down a state in the Connecticut valley, which lasted without change more than a century and a half. It had its limitations, narrow enough sometimes. But where has the inward and outward life of a people moved in closer harmony than it did in the land of steady habits in those days? He hardly apprehends the character of the men of Massachusetts Bay. To them tolerance was both an evil and a sin. If any more stringent intolerance could have been invented, it would have been welcome to them.

Our objection to the title was not mere technical criticism. We would not treat over harshly a kindly book in elegant form. But history—if written and rewritten—should aim at truth and not lapse into mere

apology, however gentle and forbearing. The shadows on the historical canvas are deep and dark, because the forces which projected them were mighty and terrible.

WM. B. WEEDEN.

*The Bay Colony: a Civil, Religious and Social History of the Massachusetts Colony and its Settlements, from . . . . 1624 to the death of Winthrop in 1650.* By WILLIAM DUMMER NORTHEND, LL.D. (Boston: Estes and Lauriat. [1896.] Pp. viii, 249.)

THE descendants of the Puritans of New England will not allow the world in any generation to forget the doings of the forefathers. This is a well-written epitome of the story which has been told so many times in the larger histories. The introduction treats of Plymouth colony and the work antecedent to the foundation of Massachusetts Bay. The chapters then move forward in orderly development. The settlements at Cape Ann led to the larger movement of the Bay Colony proper. The full text of the charter is given in an appendix.

Of necessity, the story is founded on Winthrop's journal, and copious extracts are drawn from that masterly piece of history. If the general reader can be induced to read the original for himself, this book will have served a very useful purpose.

Many modern writers seem to fear that the Puritans will suffer unduly, if the ordinary canons of criticism be applied to their work. In this, we think they underrate their heroes, who were really, if not ideally great. Those men were too large and too strong to be injured by any honest criticism. Our author closely follows the deprecating method. He might have profited by opening his mind to the treatment of the Hutchinson case by C. F. Adams. As it is, he goes farther than Winthrop himself in justifying this strange epidemic in early Boston. The same principle applies to the case of Samuel Gorton and similar episodes.

The treatment of Massachusetts Congregationalism (pp. 258-270) is very good, and its effect on English ecclesiastical development is well brought out. Independency, a larger force than Puritan Presbyterianism, was directly encouraged by the New England cult, and by the emigrants who returned home to take part in the rise of the Commonwealth.

The book is interesting and agreeable, as much detail encumbering the larger histories is stripped off or avoided. It ends rather precipitately, with the death of Winthrop.

W. B. W.

*Pennsylvania, Colony and Commonwealth.* By SIDNEY GEORGE FISHER. (Philadelphia: Henry T. Coates and Co. 1897. Pp. xiii, 442.)

In this little book Mr. Fisher presents, first, a brief sketch of Pennsylvania history prior to the Seven Years' War, then a digression upon commerce, wealth and education, after which he resumes the narrative

and continues it to 1765. He thereupon devotes fifteen pages to a picture of life and manners at the time of the Revolution, considers the rise and progress of that struggle, with particular reference of course to what occurred in Pennsylvania, and gives a number of interesting details about the part taken by eminent Pennsylvanians in the adoption of the Declaration of Independence and in the formation of the Constitution. The last four chapters deal with the Whiskey Rebellion and minor outbreaks, the action of Pennsylvania in the Civil War, and the rise and decline of Philadelphia.

He starts out with the conviction that Pennsylvania belonged to the Quakers, and that the Quakers were heroes, whose achievements he describes until the time when they were driven from their stronghold in the assembly by the Scotch-Irish in 1776. Nevertheless he intimates that not only were the Friends fond of exercising political power, but employed somewhat questionable means to obtain it, as the following extract (p. 91) will show: "The reason why the Quakers were always able to secure the votes of the province, and maintain their supremacy over a people who differed from them in religion and outnumbered them, was partly by the effectiveness of their political organization, and partly through the friendship of the Germans. Every Quaker meeting was a source of political influence and a means of persuading and compelling votes, and by many years of practice and experience the people had become very skillful."

A careful inspection of the work will reveal the fact that, while Mr. Fisher has presented much that is old in a new and attractive garb, his close dependence upon secondary authorities, as well as the evident haste with which portions of the book have been written, resulting in a certain amount of error and repetition, detract somewhat from its value as a contribution to Pennsylvania history. Had he read the sentiments of public spirit expressed in the personal correspondence of Thomas Penn he might not have characterized that proprietor as "suspicious and ill-natured toward the people" (p. 84), or as "hard, narrow and meanly economical" (p. 127). Nor, in his discussion of the taxation of their estates, would he have made the following statement about the proprietors (p. 219)—a statement which cannot be substantiated: "Their pride was broken and their attacks on the liberties of the colony decisively checked. They had intended to use the necessities of the war to curtail provincial rights, but the end of the war brought only a curtailment of their own excesses."

Here are some examples of error: the application of William Penn to Charles II. for the grant of Pennsylvania was made June 14, 1680, not 1681 (p. 4); the proprietor was not authorized, in cases of emergency, to make laws without the consent of the freemen, but to make temporary ordinances, the highly restricted character of which is positively stated in the royal charter; the deeds of enfeoffment granted by the Duke of York, August 24, 1682, could not give Penn any legal title to the three lower counties on the Delaware (p. 13); the annual income

from Pennsylvania enjoyed by the proprietors in 1759 was not about £10,000 (p. 136), but about £4,000; Franklin's *Historical Review* is not "an important historical authority" (p. 216). The proper and legal incorporation into the regular proprietary instructions to Gov. Morris of an order sent by the Privy Council to all the colonial governors in 1740—and declared by the attorney-general to be obligatory upon all succeeding governors—forbidding them to pass any act for the issue of bills of credit without the insertion of a clause suspending its execution until the king's pleasure was made known, can hardly be construed as an attempt on the liberties of the assembly, in which "the proprietors were aided and abetted by the Privy Council" (p. 149). To the student of comparative colonial administration, French and English, furthermore, Mr. Fisher's opinion (p. 150) that if the Pennsylvania assembly had yielded to this and similar attempts "the province might just as well have been conquered by the French," and that "her chance for liberty under the French would have been better," will seem based upon prejudice.

With the exception of such *corrigenda*, which ought not to appear in the composition of a work even primarily designed for popular reading any more than if intended for historical students alone, *Pennsylvania, Colony and Commonwealth*, fulfills its mission well.

WILLIAM R. SHEPHERD.

*The Life of Roger Sherman.* By LEWIS HENRY BOUTELL. (Chicago : A. C. McClurg and Co. 1896. Pp. ix, 361.)

AMONG American statesmen of the last half of the eighteenth century, Roger Sherman can fairly claim a place in the second rank. He is not to be named with Washington, Franklin, Jefferson, John Adams, Madison or Hamilton; but it would be difficult to make up a list of half a dozen more, on any definite principle of selection, from which he would be omitted. From the day when he stood up as one of the committee of five to report to Congress the draft of the Declaration of Independence, until his death, while a member of the Senate in the first year of Washington's second administration, he occupied continuously a conspicuous position among the political leaders of the country.

A biography that has been delayed for a hundred years, for this is the first extended account of Sherman's life that has ever been written, gains something in richness of material from the published diaries and correspondence of contemporaries and opened doors to public archives, but loses more in the separation of its author from the spirit and the familiar talk of the times of which he treats. Mr. Boutell tells a "plain, unvarnished tale," set out with very little of warmth or color. There was, indeed, nothing in his subject to awake enthusiasm. Sherman, while quick-witted and gifted with a keen sense of humor, which he often brought into effective play in debate, was of a self-contained and impassive temperament. Everybody respected and trusted him; he had warm



personal friends, but he never had a general personal following. He was no leader of men, except as he led in measures.

Like Franklin, he had been thrown early on his own resources, and had won his education by the hardest, in the intervals of daily manual labor. It is not the worst way for a strong man. An education bought at that price is held at its true value. The owner never forgets what it has cost him, and seldom fails to put it to its best use. Sherman's self-education soon turned a shoemaker into a surveyor, the surveyor into a lawyer, the lawyer into a judge, and the judge into a statesman. He was a good subject for it, by right of heredity. While he learned his trade of his father, his grandfather was a leading man in Watertown, Massachusetts, and his great-grandfather was the principal surveyor in the colony and the son of an English manufacturer in easy circumstances, several of whose ancestors had been members of the House of Commons.

Sherman removed from Massachusetts to Connecticut soon after he came of age and settled in New Milford, then a frontier town, where he established himself as a surveyor, under a colony commission, and within a few years prepared the first of a series of almanacs, which were annually published in New York under his name from 1750 until 1761. In 1752 he published anonymously a tract on the evils of paper currency as tender in payment of debts, written in simple, plain English, after the style of *Poor Richard*, and arguing the subject mainly on its legal side. Two years later he was admitted to the bar. Shortly after followed an election to the General Assembly, a body of which he remained a member, in one branch or the other, during most of his life. He removed to New Haven in 1761, and five years later was elected a judge of the Superior Court.

Sherman was a strong friend of the ecclesiastical establishment which then existed in Connecticut. His biographer gives an interesting letter which he wrote to the colony agent at London in 1768, in regard to the petitions which had been sent over by some of the Episcopal clergy for the appointment of an American bishop. He urged the importance of an act of Parliament to declare that such a bishop should have no political or judicial authority, remarking that "our fathers and even some of ourselves have seen and heard the tyranny of Bishops' Courts."

Sherman was among the first to deny the right of Parliament to regulate American trade. In a letter to Thomas Cushing of Boston, written in 1772, he urges the impolicy of any concessions by the colonial legislatures as to that point, and asks how, if it is a fundamental principle in the British Constitution that no laws bind the people but such as they consent to be governed by, the people of the colonies have not as good a title to its protection as their fellow-subjects in England. He went, full of these ideas, to the first Continental Congress in Carpenter's Hall, in 1774, and early in its discussions stated them at a meeting of the principal committee. The colonies, he said, were not corporations subordinate to the power of Parliament. Their own assemblies alone could make laws for them. They had adopted the common law, not because it was the common law, but because it was the highest reason.



Sherman was one of the committee to draft the Articles of Confederation in 1776, and proposed to them to have the votes of Congress taken by calling first the colonies, and then all the delegates individually, and requiring for the adoption of any measure the consent of a majority of both; anticipating here, in substance, as Mr. Boutell remarks, the compromise by which, under our present Constitution, Congress was divided into two houses, one representing the states and the other the people. Of the immediate necessity of forming some regular confederated government he entertained no doubt. "If it is not done," he wrote, in 1777, to Samuel Adams, "while the war lasts I fear it will not be done at all."

His views on paper currency were thus expressed in a letter to Gov. Trumbull in 1780: "Paper money does its office when it goes out in payment, and ought to be among the people as a medium of trade no longer than to find its way into their pockets; and, like private security, should be destroyed when returned into the office it issued from . . . . To re-issue bills taken in by loans and taxes accumulates the public debt in a way not open to the inspection of the people."

In 1783, as a member of a commission to revise the laws of Connecticut, he framed a statute allowing suits on joint contracts where some of the defendants lived out of the state, judgment to go against all, on service of process on those who were inhabitants, reserving a remedy, by writ of *Audita Querela*, in favor of any non-resident who might claim that he had a defense and no opportunity of making it. Similar laws have since been passed by most of our states, and have proved of great convenience.

Sherman's work in the Constitutional Convention of 1787 has been previously sketched by Mr. Boutell in a valuable paper, read before the American Historical Association. A statement, still more valuable, is now given of his contribution to the framework of our national legislation, while a member, first of the House of Representatives, and then of the Senate, during the last four years of his life. It was a substantial and durable contribution. He was often on the floor, and always spoke with effect and to the exact point in issue. When the first revenue bill was under discussion a Virginian member moved to impose a duty of ten dollars on each slave imported, in order, as he said, to prevent the inhuman traffic, and do away with the inconsistency of our principles, as shown by contrasting our laws with our Declaration of Independence. Sherman replied that the principles of the motion and those of the bill before the house were certainly inconsistent, for the principle of the bill was to raise revenue, while that of the motion was to correct a moral evil; and that as a revenue measure it was unjust, because two or three states would bear the whole burden.

He was one of the strongest defenders of the theory that the Constitution was established by the people at large, acting as a political whole. The Tenth Amendment was reported to the House in this form: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively." It

was at his instance that the House added the all important words, "or to the people."

Mr. Boutell was given free access to an extremely valuable collection of Sherman MSS. collected by Senator Hoar of Massachusetts. One memorandum he prints in *fac simile*, which Sherman handed to Madison during the debate on the bill to establish the first Bank of the United States. It states in a few words the argument afterwards elaborated by Chief Justice Marshall in the great case of *McCulloch vs. Maryland*. The book is also enriched by a number of family stories which tradition has preserved. The best of them is told in connection with a visit which Washington once made at Sherman's house. As he rose to go, Mehetabel Sherman, a girl of twelve (and afterwards the mother of William M. Evarts, of New York), ran to open the front door for him. Putting his hand kindly on her head as he passed out, Washington said, "You deserve a better office, my little lady." "Yes, sir," she replied with a curtsey, "to let you in."

Mr. Boutell has preferred a topical rather than a chronological arrangement of his material, and it is doubtful whether Sherman's was a character that can be best treated in that manner. He tells his story clearly, however, and without padding, and although the work bears some evidence of haste in its preparation it is one of substantial value to the historical student.

SIMEON E. BALDWIN.

*George Washington.* By WOODROW WILSON. (New York: Harper and Brothers. 1897. Pp. ix, 333.)

*The True George Washington.* By PAUL LEICESTER FORD. (Philadelphia: The J. B. Lippincott Co. 1896. Pp. 317.)

HERE are two volumes on the Father of his Country, written by two very clever authors, appearing simultaneously, but treating their subjects very differently. Professor Wilson, by a brilliant summing up of the claims of his hero, has justified the crowning of him as Prince of Men by that well-nigh universal acclaim which has pronounced him the "Best of Great Men, and the Greatest of Good Men." As a literary artist he has made with his pen as true a representation as did Houdon with his chisel.

The author commences with a fine chapter on the character, manners and customs of the Virginia society in which Washington was reared. As the immigrant ancestor of Washington was a royalist, and many royalists came to Virginia during the days of the Commonwealth, there was a temptation to enlist with those who maintain that Virginia got her character from her cavaliers. In doing so, however, our author has ventured on disputed ground. The late Hugh Blair Grigsby, than whom no one was more deeply versed in Virginia history, in his *Discourse on the Virginia Convention of 1776*, ably maintains that the character of Virginia society was first formed by the men of moderate means who came

early to the colony, and that while many royalists came during Cromwell's time, a number of these returned on the restoration of Charles II., and many adherents of the Commonwealth came in their stead; and he calls attention to the fact that the valley of Virginia was entirely settled by Germans and Scotch-Irish, while many Huguenots settled in eastern Virginia. The truth probably lies between the different theories, and Virginia character was simply pure Anglo-Saxon, with a slight admixture of other European elements, developed in a mild climate, on a generous soil, and under a system of agricultural labor which made every landowner an English commoner, independent in thought and action. This development the author points out.

In the chapter entitled "A Virginian Breeding" the author pictures the domestic circle and the early friendships which so potently shaped the career of Washington. In doing so he gives due credit to his mother and brother Lawrence. The mother, left a widow before George was twelve years of age, he describes as "a wise and provident mother, a woman of too firm a character and too steadfast a courage to be dismayed by responsibility," and who "had shown a singular capacity for business." Of the brother he says that, though but twenty-five when his father died and left him the head of the family, he "proved himself such an older brother as it could but better and elevate a boy to have." We then have given us the traits of the boy that was father to the man. "He was above all things else a capable, executive boy. He loved mastery, and he relished acquiring the most effective means of mastery in all practical affairs. His very exercise-books used at school gave proof of it. They were filled, not only with the rules, formulæ, diagrams and exercises of surveying, which he was taking special pains to learn, at the advice of friends, but also with careful copies of legal and mercantile papers." The high tone of the boy soon drew to him the best men in the community, and among them Thomas, Lord Fairfax, a man of large landed estate in Virginia upon which he had come to reside in 1746; a man of taste and culture, who had written with Addison and Steele for the *Spectator*. From him the boy learned "the scrupulous deportment of a high-bred and honorable man of the world; the use of books by those who preferred affairs; the way in which strength may be rendered gracious and independence made generous." Left by his father in moderate circumstances, young Washington realized the necessity of applying himself to business at an early age, and so matured was he in the development of business traits of a high order that at sixteen Lord Fairfax employed him to survey a large tract of land on the Shenandoah; a dangerous enterprise, as it lay in a rough frontier region. The task quickly and accurately performed brought him other business, which kept him busy for three years. He could hardly have had a better training for after life. It fitted him as an engineer when he afterwards entered military life. Upon the death of his brother Lawrence he found himself named as an executor of his will and the residuary legatee of his large estate on the death of his child. He had already been commis-

sioned a major in the militia in the place of his brother. Thus at the age of twenty Washington was fully launched upon the stern business of life and placed under responsibilities difficult to be borne by matured men. How well he met those responsibilities our author shows, and in doing so traces the development of his noble character.

To the cares of business, thus early thrust upon him, were added within a year the responsibilities of public services of a grave character. In 1753 the French undertook to occupy the territory bordering on the Ohio, claimed by the English. Governor Dinwiddie was directed by the home government to warn them peaceably to depart, and if they did not heed the warning, to drive them off by force of arms. Young Major Washington was selected to serve the notice to quit, and he performed the task amidst great difficulties. His journey of 250 miles was through forests, often without even an Indian trail, amid snow and rain, over swollen rivers, and through the haunts of treacherous savages. Washington, with a guide and a small party, promptly appeared at a French outpost and received from the officer in command a flat refusal to the request to retire from the disputed territory. The next step to be taken was to drive off the intruders, and in the spring of 1754 we find Washington as lieutenant-colonel, with a small force, making his way over the Alleghanies for the purpose of executing this task. Camped at Great Meadows, just across the ridge of the mountains, while waiting for Col. Fry to join him, Washington with forty men came upon a party of thirty Frenchmen, May 28, 1754, and an engagement ensued in which the French were overcome, and Jumonville, their commander, was killed. This was the beginning of the war that was waged in Europe and America, and ended in 1763 by the surrender to the English of Canada and all the territory east of the Mississippi claimed by the French. Thus the skirmish at Great Meadows, in which Washington first snuffed the breath of battle and drew French blood, resulted in the final supremacy of the Anglo-Saxon race in North America. The man who thus commenced this momentous struggle was destined to wrest from England, within less than thirty years, her American colonies, including the very territory on which that struggle commenced.

But the flush of victory at the Great Meadows soon turned to the pallor of defeat. The French at once sent against the rude fort a force double that of Washington. After exhausting his ammunition, the gallant colonel was forced to surrender on July 4, 1754, but on terms highly honorable, under which he withdrew his little force and returned to Virginia. Though the expedition had failed, because unsupported, Washington came back with increased reputation. The next year we find him with the unfortunate Braddock, rescuing his shattered army after its terrible reverse near Fort Duquesne. These early experiences taught Washington a lesson which was of infinite service in after life. He learned early how to bear defeat. In 1758 Col. Washington accompanied Gen. Forbes in another expedition against Fort Duquesne. Now they found the fort burned and deserted by the French, and Gen. Forbes hoisted the English flag and re-named the post Fort Pitt.

Washington returned to Mount Vernon, now his property, and in January, 1759, married Martha Custis, who added largely to his estate and immeasurably to his happiness. Soon we find him in the House of Burgesses, urging the claims of his soldiers to the pay withheld from them, and the watchful guardian of every interest of the military of the colony. Now he had time to indulge his passion for agriculture in the management of the large estates inherited from his brother and belonging to his wife. We find him fond of the manly recreations of the Virginians of his day, and in all respects a Virginia gentleman of the highest type. But the quiet of domestic life was soon to be replaced by political troubles of the gravest import. The determination of the English ministry to tax the colonies, manifested in the stamp duties imposed by Parliament, aroused America. The Virginia Burgesses rang the alarm-bell in the adoption, on May 30, 1765, of the resolutions offered by Patrick Henry, which looked toward resistance to the act. As is well known, this young man of twenty-nine, who had been a member of the House only a few days, carried his resolutions after a heated debate, in which all the older men who had been leaders in the body were arrayed against him. Our author leaves us in doubt as to Washington's vote on that fateful day, the beginning of the end of English rule of her American colonies. He was in his seat, as his diary shows, and that he voted with Henry may be fairly inferred from his letter to Francis Dandridge, September 20, 1765, in which he styles the act "unconstitutional," the ground taken by Mr. Henry.

With a rapid review of the continued troubles between Great Britain and her colonies; the author brings us to the Continental Congress, the first clashing of arms, and the appointment of Washington to be commander-in-chief of the American army. He then brings out with remarkable distinctness his claims to true greatness, not only in his genius as a soldier but in his control of the political bodies and the leading men, whose aid was indispensable to the success of the Revolution. The story of the Revolutionary War, as told by Professor Wilson, reads like a grand epic poem with Washington as the hero. No one, indeed, can be familiar with the history of that memorable struggle without being impressed with the belief that but for Washington the cause of the colonies would have failed.

At its close, unlike Cæsar, he met the suggestion of a crown with so much indignation that it was never renewed. Retiring to Mount Vernon, with the fond hope of spending his remaining days in quiet domestic life, he found himself too famous to be allowed the rest he coveted. Very soon, too, the weakness of the Confederation became painfully evident, and those who had won free institutions became alarmed about their preservation amid state jealousies and anarchical tendencies. Washington now bent his energies towards the realization of a federal government which would be strong enough to ensure the general welfare, while leaving to the states the management of their local affairs. Such a government he had recommended in 1783 in a letter to the governors of the states on the disbanding of the army.

The work of the National Convention accomplished in framing the Federal Constitution, Washington set himself earnestly to work to have it adopted. Beyond question, the statement of Count Moustier, the French minister to the United States, was true. He wrote in 1789, "The opinion of General Washington was of such weight that it alone contributed more than any other measure to cause the present Constitution to be adopted." Professor Wilson, in describing the struggle for adoption, does not do justice to the Virginians who opposed the unamended Constitution. He says, "It disturbed him (Washington) keenly to find George Mason opposing the Constitution—the dear friend from whom he had always accepted counsel hitherto in public affairs—and Richard Henry Lee and Patrick Henry, too, in their passionate attachment to what they deemed the just sovereignty of Virginia." These three statesmen did not oppose the Constitution as a plan of government. They saw plainly, however, that the guards against encroachment by the great powers brought into existence upon the rights of the people and of the states were not sufficient; and they proposed amendments, which they wished engrafted before adoption, to strengthen those guards. The amendments they suggested were urged by the Virginia Convention and the most important were adopted very soon by the states. These constitute the first ten amendments, and nine of them are for the protection of the individual citizen, eight being taken from the Virginia Bill of Rights. The tenth alone refers to the states and reserves to them, or to the people, the powers not delegated to the United States, or prohibited to the states. The wisdom of these amendments has been amply vindicated in the history of the national government, and has been acknowledged by courts and jurists. It is high time that historians should give due honor to those far-seeing statesmen who insisted on their adoption.

The account of Washington's administration is mainly taken up by Professor Wilson with relating his wise sending-off of the new government, and his firm resistance to the tendency of the country to take active sides in the passionate struggle in Europe, caused by the French Revolution. No one now doubts the great wisdom of his administration. The last scenes in the life of the hero and statesman are well told.

On the whole, it may be said that Professor Wilson has given us no new facts, but he has taken the well-known events of Washington's life and, with a pen of genius, has thrown around them a fresh charm. The volume is beautifully printed and illustrated, and will add permanently to the author's well-established reputation.

The volume of Mr. Ford is cast in an entirely different mould. He holds that Washington has been described as a demi-god, and he proposes to humanize him. He frankly admits, however, that the process has made Washington appear all the greater to him. The result of his inquiry is, therefore, the proof of the right of the Father of his Country to the continued admiration of the world in full measure. But in introducing us into the private life of Washington, the author has not always been just to those in intimate relations with him. In his first chapter he



attempts to dwarf Mary Washington's influence on her son in his youth, and quotes her querulous complaints in her old age—she lived to be eighty-three—when she was doubtless failing in mind, as indicative of her character when a young widow. Even her tenderness and anxiety for her young son are charged as faults. That she was a woman of strong character can hardly be doubted, and that she exerted a controlling influence on the character of her son, though he spent some of his youth with his elder brothers, rests on sufficient authority. Washington Irving tells us that she was said to be in the habit of reading good books to her little flock, and her favorite volume was Sir Matthew Hale's *Contemplations Moral and Divine*, which doubtless had great influence in forming their characters. This precious volume, bearing his mother's autograph, Washington preserved to the day of his death. This one service of his mother was sufficient to lay the foundation of his character, which resembled so much Sir Matthew Hale's ideal. It shows, too, that she was not illiterate, as stated by Mr. Ford. Not content with dwarfing the influence of Mary Washington, our author is disposed to belittle Martha also. But as he admits that her husband was satisfied with her, and describes her as the "partner of all my domestic enjoyments," we may feel sure that she was a woman of worth, as well as of culture, else she could not have won or retained her husband's affections.

In the chapter on Washington's relations to the fair sex, the author notices some scandals reflecting on his virtue. One of them he completely refutes; but the other, which is a suggestion in the intercepted letter of Benjamin Harrison written in 1775 and printed in the *Gentleman's Magazine*, he does not explain. To one familiar with Benjamin Harrison's character, the explanation is easy. He was very free in his manner of life and rough in his jokes, and the passage in his letter quoted by Mr. Ford was evidently a rude joke based on the sterility of Washington's marriage.

The author's treatment of the question of Washington's religious belief is not satisfactory. After quoting Thomas Jefferson as the reporter of conversations with Gouverneur Morris, to the effect that Washington discredited Christianity as much as did Morris, and stating that Morris was an atheist, Mr. Ford quotes Madison as saying that he supposed Washington had not formed definite opinions on the subject. He then gives authority to the effect that he was not a communicant, and leaves the reader under the impression that Washington was probably an infidel, if not an atheist. That Mr. Jefferson was an inaccurate reporter of conversations is well established, and it is not probable that Washington confided his religious views to Morris, who was so different from him in his habits and morals. But Washington's public utterances show conclusively that he believed in Christianity as a divine revelation, if he is to be credited with ordinary sincerity. He frequently refers to an overruling Providence in his addresses, showing that he was no atheist. But he had also definite opinions as to Christianity. I need cite only two addresses to show this. In his Farewell Address to the people of the



United States he says, "Of all dispositions and habits which lead to political prosperity, Religion and Morality are indispensable. And let us with caution indulge the supposition that Morality can be maintained without Religion." In his letter to the governors of the states, June 8, 1783, he says, "The free cultivation of letters, the unbounded extension of commerce, the progressive refinement of manners, the growing liberality of sentiment, and above all, the pure and benign light of Revelation, have had meliorating influence on mankind, and increased the blessings of Society." That he refers to the Christian religion, and to the Christian's Bible in these passages, cannot be doubted. It should be remembered also that on the surrender of Cornwallis he ordered divine service with thanksgiving to God for the victory. That he did not commune is only evidence of his feeling of unworthiness, not of his disbelief in Christianity. But enough of fault-finding. The reader will be too much interested to lay down Mr. Ford's volume until he has read it through. The author has gotten from various sources much new matter which he has mingled with the old, so as to make a charming book. He has vindicated his hero from various aspersions of his enemies, and the searchlight he has thrown upon him has only brought out "the true George Washington" in nobler proportions. The volume is also handsomely printed and illustrated and is of permanent value in Washington literature.

WM. WIRT HENRY.

*The Life, Public Services, Addresses and Letters of Elias Boudinot*, LL.D., President of the Continental Congress. Edited by J. J. BOUDINOT. (Boston and New York: Houghton, Mifflin and Co. 1896. Two vols, pp. xvii, 419; vii, 415.)

THIS is not a biography. Although the life of a man like Elias Boudinot, who was so intimately associated with the men and events of a most important epoch in American history, would seem to afford an important theme, his modest kinswoman has contented herself with presenting—connected by a very slender thread of narrative—a collection of letters to and from Boudinot. We learn that, while residing at Elizabethtown, New Jersey, at the beginning of the Revolution, he immediately took an active part in the local committee of correspondence. A curious story is given showing the reluctance of John Witherspoon and other patriots to countenance an irrevocable breach with Great Britain. Being appointed by Congress to the position of commissary-general of prisoners, his difficulties in securing proper treatment of the Americans in New York are described by him, and in this connection he tells of a characteristic interview with General Charles Lee, who submitted to him, while a prisoner, a preposterous plan for the removal of Congress and the whole population to the western country, leaving the British in possession of the coast states. It savors somewhat of his famous "plan" which Lee

offered to Lord and General Howe in 1777. Boudinot took his seat in Congress, in July, 1778, as one of New Jersey's representatives, was reappointed in July and November, 1781, and again in 1782, when he was elected president, in which capacity he had the satisfaction and the distinguished honor of proclaiming the definite treaty of peace with Great Britain in the ensuing year. His correspondence during the congressional service is naturally of considerable interest, including, as it does, letters to and from Washington and other military men, the leaders in Congress, and statesmen abroad. He was elected a member of the first Federal Congress, and re-elected in 1791 and 1793, and gives us many inside views of the discussions in that body, and of the principal men in the government, together with much of interest relating to the social life of the new government. It will be recollected that his account of Washington's reception on his inauguration as President under the Federal Constitution is one of the best we have of that interesting event. On retiring from Congress he was anxious to devote his time and talents, which were not inconsiderable, to his private fortunes, which had become greatly impaired during his long public service, and he resumed the practice of the law in New Jersey. But he was speedily summoned from retirement, and at the request of Washington became director of the mint, an office he retained for ten years, 1795-1805. Subsequently he founded and was elected first president of the American Bible Society. He died at Burlington, N. J., October 21, 1821, having passed his eighty-first year. He was of scholarly tastes, and by marriage was doubly akin to Richard Stockton, who married his sister and whose sister he married. Hence we find in these two handsome volumes letters to and from a wide variety of persons, and not from the statesmen and politicians of the day alone. The letters given are mostly from the family archives, and heretofore unpublished, so that they are a real addition to the history of the period. The speeches are mainly reprinted from the *Annals of Congress*, but a few unpublished orations are added. Many of Mr. Boudinot's letters are to his wife, written with the utmost freedom, communicating without reserve the situation of the moment, the gossip of the day, and those trifles that often throw light on important events. A considerable portion of the work consists of extracts from some "Reminiscences" of Mr. Boudinot written by him from time to time, the MS. of which is now in the library of John Nicholas Brown, Esq., of Providence, R. I. (A document of the same kind, though perhaps not so full, is also in the Historical Society of Pennsylvania.) It would enable us to form a more accurate judgment of the value of these "Reminiscences" if we knew just when and under what circumstances they were written. Various facts indicate that they were prepared many years after the occurrence of the incidents described, but while the recollection of them was still strong in the mind of the writer. His unrestrained relations are most refreshing, and often throw light on obscure points in the history of his time. Although his narrative will be regarded with caution where it runs counter to accepted history, it will nevertheless be studied with interest. As already

remarked, these volumes are not a biography, but they are uncommonly full of original material for the student of history.

WILLIAM NELSON.

*The Contest over the Ratification of the Federal Constitution in the State of Massachusetts.* By SAMUEL BANNISTER HARDING, A.M., Assistant Professor of History in Indiana University. [Harvard Historical Studies, Volume II.] (New York: Longmans, Green and Co. 1896. Pp. 194.)

IN this monograph the author proceeds first to examine the conditions which lay behind the decision of the Massachusetts convention of 1788. He shows by a brief survey of the political events anterior to this time that the people of the state were familiar with the idea of discussing and deciding in town meeting important constitutional questions, and had thereby gained a considerable degree of self-confidence. He finds the chief opposition to the Federal Constitution showing itself in three forms: distrust of delegated power; conflict of interests between the agricultural and the commercial sections of the state; the antagonism between the aristocratic and the democratic elements of society, which last he regards as the underlying cause of all the opposition. How, in the convention at Boston, the friends of the new constitution met their more numerous opponents with arguments and mollified them with concessions till they succeeded in winning over a sufficient number to carry their point, is especially well brought out. In his discussion of the part taken by Hancock in the contest Mr. Harding throws new light on the details of the bargain by which the governor was adroitly made to play into the hands of the Federals in return for their support in the next election, and other pledges of a less tangible character. The bibliographical note and the list of authorities cited in the appendix are especially commendable features of the monograph.

On the whole, however, there seems to be a certain lack of balance and completeness, arising apparently either from a one-sided view or from haste in preparation. In Mr. Harding's paper on "Party Struggles over the First Pennsylvania Constitution"<sup>1</sup> he shows very clearly two things: first, the genesis of the two parties that fought later over the Federal Constitution, as revealed in the contests over the state constitutions of 1776 and 1790, in the various sessions of the legislature and in the state elections; second, the survival of these parties after the ratification of the Federal Constitution, and the trend of their later development. In his discussion of the Massachusetts ratification there is evident need of just such a political setting as he has given to the Pennsylvania contest. Massachusetts, for instance, voted on two state constitutions, one in 1778 and one in 1780, yet we are told almost nothing as to the causes of the rejection of the one and the adoption of the other, nor of the distribution of the vote on these important measures. The vote of the

<sup>1</sup> *Annual Report of the American Historical Association for 1894*, pp. 371-402.

towns in 1788 is thus left quite unrelated to the preceding votes, a study of which in this connection should reveal new and valuable material. In a similar way, quite as much space is devoted to disproving the charge of bribery in the convention as is given to the discussion of Shays's Rebellion. Yet this uprising caused the gravest apprehensions throughout the country, and the state legislature was so much in sympathy with the movement that at the special session called in September, 1786, a strong party in the House of Representatives nearly succeeded in preventing active measures against the insurgents. What gives still greater importance to the uprising is the fact that its active supporters numbered nearly one-fifth of the population in the three western counties and that two years later some twenty former members of Shays's army are reported to have been sent as delegates to the ratifying convention itself. Furthermore, to ignore the anarchistic utterances of the county conventions of Berkshire, Hampshire, Worcester and Middlesex counties, and to pass by, as Mr. Harding does, without adequate treatment, the widespread belief in and demand for stay and tender laws among the towns of these four counties, is to overlook some of the most important of the concrete and tangible sources of the opposition to the Federal Constitution.

The most serious omission, however, in the whole monograph is the complete absence of any reference to the western third of Massachusetts (the tier of towns along the eastern bank of the Connecticut river and all towns west of it) as a distinct section, possessing abundance of free land and the most fertile district in the state, with a population increasing from two to five times as fast as the general average of the state, having commercial connections chiefly with New York and Newport, and hence, as far as the rest of the state was concerned, separate in its interests, its politics and its future. Nearly one-half its votes were cast for the ratification of the Constitution, and this fact makes it plain that it belongs neither with the interior, which voted quite unanimously against ratification, nor with the coast region, which decidedly favored it. The explanation of the vote given in the monograph is so obviously meant for the region largely east of the Connecticut river that we can not take it as applying to any other part of the state. To understand the Federalism of this part of the state, we must examine the conditions in the entire Connecticut valley, of which it is a part. This great river valley, peopled by settlers from Connecticut and the eastern counties, was to the rest of New England in earlier times what the Ohio valley was to the states of the Atlantic seaboard after the Revolution. It was their frontier, occupied at first only by hardy pioneers. It bore the brunt of the French and Indian attacks (Massachusetts suffering most severely), and in the end developed a new type of men, the "river gods of the Connecticut," who faced not eastward, but westward and northwestward toward the unoccupied lands of the Mohawk valley. Naturally, then, the people of this great valley took an original and independent attitude on the question of ratification, the vote as a whole being quite evenly divided between the friends and the enemies of the new Constitution.

We must conclude, therefore, that while Mr. Harding has done excellent service in his monograph by gathering evidence as to the contemporary opinions of the period and by using this material to bring out many new phases of his subject, yet he has failed to take the larger view. The relations of the contest over the ratification in Massachusetts to those before and after it in the whole history of state politics; the great importance of the economic factors in the final decision; and, lastly, the substantial unity of the struggle throughout New England—these essentials for a complete and impartial treatment of the subject the author certainly has not incorporated in these published results of his investigations.

O. G. LIBBY.

*Constitutional History of the United States from their Declaration of Independence to the Close of their Civil War.* By GEORGE TICKNOR CURTIS. In two volumes. Vol. II., edited by JOSEPH CULBERTSON CLAYTON. (New York: Harper and Brothers. 1896. Pp. x, 780.)

IN examining this volume its precise scope and its relations to the previous work of the author should first be observed. In 1854 and 1858 Mr. Curtis published, in two volumes, his work entitled *History of the Origin, Formation and Adoption of the Constitution of the United States*. More than thirty years later, in 1889, he began the publication of a work entitled *Constitutional History of the United States*, in two volumes. The first volume appeared in the same year. It was a mere reproduction of the former volumes, as the author states, "retaining the whole of my former text." Mr. Curtis then announced his intention, "at some future time, to follow down the constitutional history of the United States through the adoption of the first twelve, and the succeeding, amendments." The present book contains what he had prepared in execution of this purpose, now published, three years after his death, and comprises, with the appendix, 780 pages. It is made up, first, of thirteen chapters, 440 pages, substantially completed by Mr. Curtis, of which the editor states that he has "not felt at liberty to make any substantial change in, or addition to the text;" next, of the bare titles or headings for five additional chapters; and, lastly, of an appendix of 337 pages of historical documents and other matter.

For the original work, done in the fifties, Mr. Curtis had many high qualifications; and at that time the work was of prime value. The author's style was too formal and cold, even jejune, for the best literary effect; his tone was somewhat too dogmatic at times for historical discussions and statements; but his powerful grasp and array of facts, his skill of exposition and forensic debate, and the strength of his well-reasoned conclusions made the work at once, and have since kept it, one of authority with courts, publicists and scholars, upon almost all points strictly within the lines marked out by its title. The materials and topics

with which Mr. Curtis then dealt belonged chiefly to a period two or three generations in the past ; the great outward facts attending the beginnings of our constitutional life were then generally undisputed ; the prevailing rubrics of the constitutional interpretation and construction had been quite well settled by Marshall and Webster ; and so the task of the constitutional historian and commentator at that time was one which adequate learning and intellectual comprehension could fairly compass. Such a task was specially suited to Mr. Curtis's tastes, studies, and habits of mind. He was an ardent champion of the constitutional views of Webster and his school ; but he was also an ardent and unwearied student of the Constitution and the sources of our constitutional development. The general accuracy of the work has been accounted, we think, by those who have most used it, exemplary. With quite pardonable pride, Mr. Curtis said in the preface to his later edition in 1889,—“ If the historical accuracy of my former work has ever been called in question I have not been aware of it. Nor have I met with anything in the writings of other authors who have since treated the same subject which has led me to doubt the correctness of my statements or the soundness of my interpretations. The work to which I refer has been so often consulted and relied upon by those who have had to construe the Constitution that I may be pardoned for believing that it is reliable.” For these reasons, as well as because the original work, when published, supplied a real want, it rose at once, as has been said, to repute and authority—a position which, within certain limits, it may long hold.

But the period between 1858 and now has brought great changes in the conditions of the task of presenting satisfactorily our constitutional progress and position. Mr. Bagehot remarks in his work on the English Constitution : “ There is a great difficulty in the way of a writer who attempts to sketch a living Constitution, a Constitution that is in actual work and power. The difficulty is that the object is in constant change.” The remark is an acute one, and is as applicable to our Constitution as to the English. The most precise phrases, enrolled and guarded most sedulously, cannot defeat the operation of this law. Our Constitution is an example of high skill in precision of expression as well as in sharpness of ideas. Yet in the light and retrospect of a century it is plain that our Constitution, as it exists and operates to-day,—its success as well as its actual development,—has resulted, as much as from its framers and its text, from three great facts and forces in our history, outside of the written Constitution : the unequalled practical sagacity, influence, and patriotism of Washington as President ; the intellectual, moral and judicial greatness of Marshall as Chief-Justice ; and the profound depth of the influence and effects of the Civil War of 1861 and its causes. Without these forces it is perhaps certain that, with the same written Constitution, our national development, political and otherwise, would have been widely and essentially different from what we now see,—a result which warrants another of Mr. Bagehot's aphorisms ; “ Success in government in England, as elsewhere, is due far more to the civil instincts and capacity of our race than to any



theoretical harmony or perfection of the rules and formulæ of governmental work."

The first volume of Mr. Curtis's work, the one published in 1889, ended with the final adoption of the Constitution by the tardiest of the thirteen states—North Carolina and Rhode Island—in 1789 and 1790. The first thirteen chapters of the present volume cover, in point of time, the period from the inauguration of Washington to the presidential election of 1876. Throughout, these chapters are discursive to a degree. The first four may be said to give no history, only disquisition and reflections, though we deliberately regard these chapters as the most valuable in the book; and while the remaining chapters do relate to some extent the course of events, the relation is incidental to the discussion of certain topics, which evidently filled the mind of the author. It seems not unjust to go farther, and say that what of history proper is contained in these chapters appears as pegs on which to hang dissertations on selected and detached topics at large and exploitures of the author's individual political notions and public views, nearly all the topics being still "burning questions" of our current politics. Such discussions, appearing, as here, in what should be a grave and impartial statement of historical results, a scientific study of events, influences and phenomena, give an uncomfortable wrench to the historical sense. For the treatment of such themes,—for example, the President's power of removal from office, the tariff, the Kansas controversy, especially the anti-slavery agitation, the relative responsibility of the North and South for the Civil War, reconstruction in all its phases, and the contested presidential election of 1876 with its incidents,—for the fair treatment of these and related topics, Mr. Curtis had conspicuous disqualifications. Though a learned lawyer and a zealous student, he was, regarding all these matters, an eager and lifelong controversialist. He was, too, a strong political partisan, first as a Boston Union Whig, and later as a New York Tammany Democrat. He was the commissioner in Boston who returned the fugitive slave, Thomas Sims, in 1851, and thirty years later he was an adviser of Tammany Hall's leader, John Kelly, in New York.

Mr. Curtis would have been the most remarkable of men, if, having such relations to the times of which he here writes, he could still give us anything, on such hotly-contested matters, worthy of being called history. What he has given us has value but not as history. It has all the value attaching to the assertions and arguments of an acute, learned and honest champion of one side. Space permits but little specification here. The ninth chapter deals with "the rise, progress and consequences of the Northern anti-slavery agitation" and opens with this dictum: "The system of African slavery, which had long existed in our Southern States, might have come, and in all probability must have come, to an end without any political or social convulsion if it had been left to the operation of causes which were tending to its peaceful removal. It could not have lasted unchanged so long as the year 1865, even if there had been no Civil War and no forcible emancipation." Against such assertions, it is



not worth while to set counter assertions, but it is proper to say they are not history, nor even well-supported opinion. They are hardly more than the self-justifying reflections of one who had always stood in fierce personal opposition to those who carried on the anti-slavery agitation. The present opinion of the world,—not yet, it is true, the final voice of history,—regards these agitators as heroes of a great moral and political advance, but let all be content to refer the question to a tribunal not yet formed, the august and final tribunal of history, impersonal, dispassionate, all-regarding, scientific history, and let none accept as history, however it be labelled, the mere assertions or prejudices or arguments of the ablest or most persuasive partisan of either side.

Reconstruction fares worse, if possible, than anti-slavery, at Mr. Curtis's hands. Here he seems to have forgotten or totally disregarded the truth that there are but few, if any, human events or topics which can be rightly set forth in colors of unrelieved darkness. Such treatment of the reconstruction period is as ineffective as it is unjust; it is ineffective because it is unjust. It is easy for lawyers or critics to point out errors, some of them flagrant, in the conduct of the Civil War and the treatment of the rebellious states and their people after the war. Both sides equally would be wiser, if like situations could recur; but the most useful and patriotic citizens and the wisest practical men were not those who took, in our stress of arms, the attitude of constant and severe criticism of those charged with duty in cabinet, field or Congress, nor those who, in our subsequent civil stress, wearied all, certainly all but themselves, by unmixed denunciation of every practicable plan of reconstruction, as well as of every man who bore any part under the plan adopted. Here, as in other matters, let all, actors or onlookers in these affairs, await the judgment of the future; and surely let none mistake the voice of this volume for that of an impartial or final tribunal. There are certainly some participants in reconstruction who await the ultimate verdict with composure and confidence.

The chapter on the contested election of 1876—the thirteenth and last—compels the remark that it does not rise above the level of an ordinary political campaign pamphlet, except in its order and style. Judicious writers, especially historians, impute personal motives which are not known or clear, sparingly. Even Macaulay, not always true to the standard, wrote, "It is not safe or fair to judge individuals in history or in life except by their avowed purposes or by acts respecting which it must be presumed they intended the results which actually followed." Mr. Curtis puts almost no restraint on his mind or pen in dealing with the actors on one side of this unique passage of our political annals, while those on the other side escape all censure and almost all notice. But the opinion grows, in the general mind, that it was a sordid and desperate game of party politics, played on both sides with equal want of scruple, in which the losers differed from the winners only in their skill or luck. On the constitutional question involved in the creation of the Electoral Commission, Mr. Curtis is entitled to be heard with re-

spect, and his argument is plainly strong, if not conclusive; but it is plainly the argument of a lawyer, not the view, or from the point of view, of the statesman. A political *impasse* had been reached, and even if Mr. Curtis's constitutional argument were admittedly sound, the Congress was shut up to the choice, on the one hand, of almost certain civil confusion and conflict, or, on the other hand of some orderly, if extra-constitutional mode of settling the disputed succession. The call was necessarily for statesmanship, not forensic argument resulting in no practical remedy. Be the condemnation ever so heavy of those who created the deadlock, the unavoidable question still was *Que faire?* The most serious-minded and patriotic men who dealt with the problem, one may say the best and wisest men of the day, were cordially agreed in regarding the solution reached as the best possible. We can only ask, not answer, whether history will approve their judgment; but they deserve respectful treatment at the hands of all who assume to dispute their wisdom. Certainly they receive scant justice, hardly due shrift, at our author's hands. The chapter which treats this topic, with the bare exception of the strictly legal argument, is not in place in a constitutional history, if in any history.

We have already done the author the justice, as we think it, of pointing out the difficulty of his task in this volume. He is handling not merely a living constitution, in Bagehot's phrase, but hot and flagrant partisan politics. Hardly any one could have been expected to be judicial on such terms. We heartily wish that on all present controverted issues, Mr. Curtis had chosen to gather and array the facts, all the facts, and there paused. The book, therefore, so far as the author's work goes, gives the careful reader a strong sense of disappointment, not to say grief. Its incompleteness is by no means its chief lack. It is named *Constitutional History*, and the title is a misnomer. It is put forth as the sequel and complement of the former work of 1858 republished in the single volume of 1889, and it proves to be not of a piece with that very meritorious work. It appears with all the interest belonging to a message, so to speak, of one who was greatly and justly revered by family and by friends; but it is impossible to think it will increase, if it does not lessen, his esteem as a writer and scholar. It is pleasant, however, to remember that before this Mr. Curtis had done work which seems likely to put all who study our constitutional history under obligations to him for a long time to come.

The editor's appendix, forming so large a part of the volume, calls for remark. A considerable part of this matter is readily accessible on every hand, *e. g.*, the full report from Wheaton of the Dartmouth College case; (for any purpose appropriate to this volume, the text of the decision in the case of *Texas vs. White* would have been cognate and much more useful;) a part even is included in the appendix of the first volume; a part is plainly superfluous, *e. g.*, the full texts of the four official proclamations announcing the adoption of the last four amendments to the Constitution, occupying ten pages; another part is made up of documents whose interest is almost wholly personal to Mr. Curtis, *e. g.*, his

brief in the Dred Scott case, and his oration in Boston on July 4, 1862, an effort which met and still meets with far less than general approval. The analytical index to the Constitution, 43 pages, is merely copied, without credit, from the volume of the *Revised Statutes of the United States* of 1878. In the annotated copy of the Constitution, pp. 474-496, the editor has done good work in bringing the citations of cases down to a later date than those cited in the volume of the *Revised Statutes*; and at pp. 664-667 he has given a valuable classified list of cases, chiefly of still later date than those given in the annotated Constitution, though the value of the list would have been distinctly enhanced, if it had not been limited strictly to decisions in the United States Supreme Court. Valuable and authoritative decisions on points of constitutional law are by no means confined to cases in that court. The inclusion in this appendix of Judge B. R. Curtis's pamphlet, written in 1862, on Executive Power, pp. 668-686—a temperate, respectful, and preëminently able argument and protest of this great lawyer and jurist against the claims of executive power involved in the proclamations and orders of President Lincoln in 1862 regarding emancipation, suspension of the writ of *habeas corpus*, and arrest, under executive warrant alone, of citizens of loyal states charged with treasonable practices—is to be highly commended. This remarkable monograph is not readily at hand, and it has value as well as fitness here.

The excellent bibliography of the Constitution, compiled by Mr. Paul Leicester Ford, pp. 708-750, with an added "Reference List," pp. 750-766, closes the appendix, which is followed by a good index to the whole volume.

The volume may well direct attention to what we think is now most needed in the field of our constitutional history. The need is not forensics or dialectics, not rhetoric or polemics; we have enough of these. The time has come, or it is near, when a competent hand should give us,—what does not now exist,—a really thorough and satisfactory, if not final history of the course of our life as a nation under our Constitution, especially its beginnings. Such a work, of course, must cover much that antedates the Constitution; in truth, this is perhaps the most fascinating, if not the most important part, as it is the part on which great divergences of views still exist, as shown especially in the recent works of Mr. Hannis Taylor and Mr. Douglas Campbell. But the field which covers only the one hundred and ten years since the meeting of the convention of 1787 calls for fresh and more thorough explorations, for original studies dealing with the separate topics, phases and forces of the great growth. Some work has lately been done on these lines; much is now in hand among our scholars; much remains to be taken in hand. Myths and legends have already enshrouded the events and actors in our early national life, but as Washington, for example, is gradually emerging under the touch of reality and scientific historical study from the mists which have enwrapped him so heavily, and is becoming a flesh-and-blood man, the true figure as he looked to those who saw him at close range,

and grows under the process a more impressive character ; so the coming historian of the Constitution may, by the scientific study of the facts—putting aside arguments, hypotheses, preconceptions, traditions and the mere authority of great names, tending this way or that—develop, put together and present to his generation the true outlines and courses of this, the latest and most important movement and effort to secure liberty under democracy.

D. H. CHAMBERLAIN.

*The Suppression of the African Slave Trade to the United States of America, 1638-1870.* By W. E. BURGHARDT DU BOIS, Ph. D. [Harvard Historical Studies, Vol. I.] (New York, London and Bombay : Longmans, Green and Co. 1896. Pp. xi, 335.)

THE present volume is the first number of the *Harvard Historical Series*, published under the direction of the Department of History and Government of Harvard University out of the Henry Warren Torrey Fund. It is announced that the series will “comprise works of original research selected from the recent writings of teachers and graduates” in this department of that university. The series will also include collections of documents, bibliographies, reprints of rare tracts, etc. While the volumes will appear at irregular intervals it is hoped that at least three will be published annually.

Dr. Du Bois begins his work by a brief summary of the rise and fortunes of the English slave trade. The characteristics of the three classes of American colonies, the planting, the farming and the trading, are traced and the laws passed by each regulating or limiting that trade are summarized. It is worthy of note that while the English slave trade has its origin before the foundation of the American colonies it was principally towards these that it was directed. The trade did not prosper at first. By the Assiento of 1713 the English commercial classes secured for themselves the exclusive right to import slaves into Spanish America ; although the importations were large, about half going to the Spanish colonies, the Royal African Company became bankrupt, being a debtor to Spain and a recipient of English bounty. The colonies, as a rule, thought slaves necessary for the development of their natural resources. The necessity of the trade was an unquestioned axiom in England, and that the mother country, in her efforts to promote her own trade, was willing to sacrifice her colonies to the incubus of slavery her instructions to royal governors to encourage the Royal African Company and her disallowance of prohibitive duties will clearly testify.

But it must be admitted that the restrictions put on the trade by the colonies were uncertain in character and varying in amount. As early as 1698 South Carolina became uneasy at the great increase in the number of slaves and tried to counteract their influence by a special law to encourage the immigration of white servants. One of the favorite methods was by a duty which decreased importation and at the same time brought

a revenue into the public coffers. The reasons for restriction were different in different colonies. The fear of servile insurrections was none of the least. Toussaint L'Ouverture and the Haytian revolution had a marked effect at the time and caused the Southern states to shun contact with West Indian negroes like the plague.

In the middle, or farming colonies, slavery had less chance for development on account of climate, physical characteristics and the circumstances of settlement. The chief restrictions here were that slavery did not pay, and "the shrewd business sense of the traders, who never flooded the slave market, but kept a supply sufficient for the slowly growing demand" (p. 19). In New England the system had "no economic justification, and the small number of negroes here furnished no political arguments against them. The opposition to the importation was therefore from the first based solely on moral grounds with some social arguments, . . . but it was swept away by the immense economic advantages of the slave traffic to a thrifty seafaring community of traders" (p. 38). This spirit appears plainly in the debates in the Constitutional Convention and the later debates in Congress. It was in New England alone that the commercial circle was complete: "Owners of slavers carried slaves to South Carolina, and brought home naval stores for their ship-building; or to the West Indies and brought home molasses; or to other colonies, and brought home hogsheads. The molasses was made into highly prized New England rum, and shipped in these hogsheads to Africa for more slaves. Thus, the rum-distilling industry indicates to some extent the activity of New England in the slave trade" (pp. 28-29).

The Quakers, not only of the northern and middle colonies, but of the southern as well, were leaders in the early efforts against the trade. The Germantown protest was issued as early as 1688. The Philadelphia yearly meeting advised against the importation of negroes in 1696; slaveholding was made a disownable offense in 1770 in New England and in Pennsylvania in 1776. The Virginia Quakers opposed the trade as early as 1722. In 1758 it became the leading question in the North Carolina yearly meeting. In 1768 this meeting forbade its members to trade in slaves; two years later it stood with the Virginia Quakers in supporting the protest of the Virginia Burgesses against the trade, addressed to the throne of Great Britain; and in 1777 was ready to enter into a contest with the state of North Carolina over the right of the individual owner to give freedom to his slaves. Their efforts did not cease when they had cleared their own skirts of the system, but in the next generation they produced the editor of the first paper to demand immediate and unconditional emancipation and the organizer, as well as the president, of the Underground Railroad.

But there could be no essential unity in these early efforts against the trade. The fusing fires of a great struggle were necessary to give impulse to a common action. This impulse came with the outbreak of the Revolution. From this time the question becomes a part of the history of the

United States and loses much of the freshness and interest which characterizes the early pages of the work. The action of the Constitutional Convention and the influence of the Haytian Revolution are treated. The debates leading up to the congressional act of 1807 are traced with care, but with a minuteness that leaves a painful impression of the dryness of our legislative annals. The author frankly confesses that in this period "the strong anti-slavery men, like Bidwell and Sloan, were outgeneraled by southerners, like Earle and Williams," and it is interesting to note that some of the strongest supporters of southern rights, like Baldwin, of Georgia, and Williamson and Martin, of North Carolina, were northern men by birth. The act of 1807 was followed by various attempts at the suppression of the illegal trade then carried on. Many punishments were proposed, but seldom were slavers condemned and it was still more seldom that the trader suffered, all of which was aptly summarized in the words of Macon, who said: "In adopting our measures on this subject, we must pass such a law as can be executed" (p. 98).

Perhaps the most interesting chapters in the book are those on the rise of the cotton kingdom and the final crisis. In these Professor Du Bois discusses briefly the rise of those agencies in the manufacture of cotton which made the great growth of the Southwest in the first half of the century possible and linked the fortunes of slavery with the world's cotton market. The tendency was developing under which the patriarchal serfdom of the founders of the republic began to give place to an industrial system, but this movement was, perhaps, not so far advanced as the author supposes. The South was still, to a large extent, isolated and in such sections the planters lived in an economic independence that had felt little change since the days of the first colonists; with the advance of railroads, and the centralization and specialization of industries, the character of slavery began to change.

From the time when the slave trade became unlawful in 1808 there was more or less of illicit business carried on; the vessels engaged were owned largely in New England and New York and were aided by English capital. Before the attempts at suppression by the United States had scored much success the matter grew into an international question, and other nations—notably England, who had been the leading spirit in organizing the traffic in the seventeenth and eighteenth centuries—espoused the cause of freedom and pushed suppression so much more vigorously than the United States that in time the American trade "came to be carried on principally by United States capital, in United States ships, officered by United States citizens, and under the United States flag" (p. 162). The trade increased between 1850 and 1860 and became more bold. New York City was headquarters for the fitting out of slavers and it was said that down-town merchants "of wealth and respectability are extensively engaged in buying and selling African negroes, and have been with comparatively little interruption for an indefinite number of years" (p. 179). The anti-slavery advocates made numerous efforts to amend the laws, to make them more severe, and to put them into



execution, but they were not often well executed, the reasons for the failure being many. The searching of American vessels by British ships complicated the situation.

Dr. Du Bois points to the records of the commercial conventions as illustrating the fact that the states of the slave-consuming cotton belt were in revolt against the base of their labor supply as represented by the border states, but were prevented from active hostilities as they could do nothing without the latter. There was among the former a desire for cheap labor and this was to be obtained by a reopening of the slave trade. Opposition to this movement was found in the border states and to a less extent in the cotton states. The opinions of this minority are well put by Pettigrew in his Minority Report to the South Carolina Legislature in 1857, a document which the author does not appear to have seen. The argument for reopening the trade, he says, was that the South must have a monopoly of cotton production, but the price of cotton was high, which would encourage production elsewhere. To hold this monopoly there must be cheaper cotton; this meant cheap labor, and the importation of Africans. To this argument General Pettigrew replied: The slave trade would reduce the price of domestic slaves; cheap negroes are a weakness and not a strength to the system, and they do not necessarily mean cheap labor, for the American negro, three removes from Africa, is worth at least one half more than a native African and the increase of labor would be by no means proportionate to the number of laborers; the only persons benefitted by cheap cotton would be the manufacturers, and to reduce the price of the cotton then produced by 4,000,000 slaves by one-half would require the introduction not of that number of new negroes, but of ten and two-ninths millions.

As to the causes of the final suppression of the trade, the author says rightly that the moral movement was of limited value; "An appeal to moral rectitude was unheard in Carolina when rice had become a great crop, and in Massachusetts when the rum-slave-traffic was paying a profit of 100 per cent." (p. 195.) The political efforts were partly the outcome of reprobation and partly of expediency, but these acts "were poorly conceived, loosely drawn and wretchedly enforced." The economic movement had best chances of success but was least tried.

The appendices occupy more than a third of the volume and are by no means the least important part. In fact, they reproduce in brief a large part of the materials on which the narrative itself is built. One appendix presents a chronological conspectus of colonial and state legislation restricting the African slave trade, 1641-1787. A second shows state, national and international legislation, 1787-1871; another gives typical cases of vessels engaged in the American slave trade. It is not intended to list here all known cases, but to illustrate merely the character of the trade, licit and illicit, to the United States. Appendix D gives a bibliography of colonial laws and a list of United States documents bearing on the subject, the former arranged by states, the latter chronologically. These are followed by a general bibliography representing the reports of societies, personal narratives and other materials.



Barring the use of a few adjectives here and there that characterize the advocate rather than the historian, the book is a valuable review of an important subject. It shows an immense amount of faithful and diligent work in gathering the sources from many directions.

*A Critical Study of Nullification in South Carolina.* By DAVID FRANKLIN HOUSTON, Adjunct-Professor of Political Science in the University of Texas. [Harvard Historical Studies, Volume III.] (New York : Longmans, Green and Co. 1896. Pp. ix, 169.)

THE full understanding of our national development would, it has been said, be signally promoted by the issue of carefully prepared monographs dealing with the history of the several states in times since the Revolution. The third volume of the *Harvard Historical Studies* is such a monograph, and shows the value of the suggestion by the light which it throws upon an important episode in the history of South Carolina and the United States. Doubtless many of Professor Houston's readers will be surprised to learn that he was until recently a South Carolinian, for local prejudice, which might be anticipated, finds no place in his pages. Lack of perspective and other monographic defects are skilfully avoided, and the result is a plain, straightforward narrative, in lucid and interesting style, of events in which all students of American history are interested.

The first two chapters form an introduction to the real subject of the study. In the first the early attitude of South Carolina towards the bank, internal improvements and the tariff is discussed ; the second contains the author's interpretation of the history of the constitutional theories involved in the nullification controversy and of the attitude of South Carolina toward them. Chapters III.-VII. inclusive deal with the causes of nullification, the formation of the nullification party and the history of the movement down to the repeal of the Ordinance in 1833. In the final chapter the author states the results of his study. Seven appendices give important documents and a list of authorities.

The introductory chapters are not written in the judicial spirit and with the attention to details which characterize the remainder of the book. Here the author appears more anxious to adduce evidence in support of opinions bearing the sanction of great names than to form independent conclusions. The first chapter consists in large part of excerpts from speeches made in Congress by the representatives of South Carolina ; the conclusion to which these quotations lead is that Calhoun had so committed himself to the policy of protection in 1814-1816 that he could not at a later period, with any sort of consistency, doubt its constitutionality. This exaggerates the extent of his committal to the policy and fails to give due consideration to the explanation offered by Calhoun and his friends. The author appears so taken by forms of expression that he fails to perceive the real object which Calhoun had in view. An analysis of the whole speech, of which a few sentences are

quoted on p. 11, puts the question in its true light. The long exordium, occupying four pages of the *Annals of Congress*, urges the necessity of providing means for defense against a possible renewal of the war with England; six measures are advocated for that purpose; one of them is a protective tariff that will encourage the production of war supplies. A careful analysis and comparison of Calhoun's earlier and later constitutional opinions will show that the change which took place between 1816 and 1828 has been greatly exaggerated; if under the Constitution a measure may be justifiable for one purpose and not for another, there is no occasion for charging him with inconsistency because he advocated protection as a means of defense in 1814-16, and pronounced it unconstitutional as a regulation of commerce in 1828.

In his treatment of the constitutional questions involved in nullification, Professor Houston shows that he is entirely free from South Carolina traditions by accepting, as historically correct, the extreme national theory respecting sovereignty. The second chapter is an argument to show "that the states were not, when the Constitution was formed, and never had been, separate and independent sovereigns" (pp. 17-18). In support of this proposition the *Federalist*, Madison and the Pinckneys in the Federal Convention, and C. C. Pinckney in the South Carolina Convention, are cited. In evidence of so strong a statement the reader expects either an unequivocal assertion of the principle laid down or implication too plain to admit of denial; none of the passages cited in the *Federalist* belong to either category. It may be readily admitted that the spirit of the *Federalist* is opposed to the conclusion reached by the nullifiers and secessionists; but to assert that it positively refutes the fundamental proposition of their arguments overstates the case. From a speech by Madison this sentence, *inter alia*, is quoted: "The States never possessed the essential rights of sovereignty" (p. 18). But the sentence in this form is from Yates's minutes; Madison's own report reads differently, and puts the matter in its proper light: "He pointed out the limitations on the sovereignty of the states, *as now confederated*." The Pinckneys are represented as scarcely able to find language strong enough to express their condemnation of the doctrine that the states were separately and individually sovereign (p. 26). This is certainly an overstatement; earnest approval of a strong national government was as far as they went in the convention. The bold declaration of C. C. Pinckney in the South Carolina Convention (pp. 26-27) is used with telling effect; but to this one who is still unconvinced is likely to retort: What of Madison's striking statement to the opposite effect in No. 39 of the *Federalist* and in the Virginia convention or of the Federalist pamphleteer in Pennsylvania who explained that the Constitution did not need a Bill of Rights because it was formed by free, sovereign and independent states? A more discriminating interpretation of the debates over the Federal Constitution is that which takes account of all the arguments that may be adduced upon either side and concludes that indecision upon the question of sovereignty was the price paid for ratification.

The remaining chapters deserve strong words of approval, for much hitherto unused material is skillfully handled and made to yield important results. The thesis that Calhoun did not lead, but followed, the people of South Carolina is clearly proven; among the causes for nullification, economic conditions receive proper consideration in the abundance of proof that the distress of the state was due less to the tariff than to slavery and the low price of cotton, brought about by overproduction. The importance of the Union party and the part which it played in the struggle are given due prominence. Among the appendices the recently discovered letter written by Calhoun in 1824 is worth careful perusal.

FRANK MALOY ANDERSON.

*The History of the Last Quarter-Century in the United States, 1870-1895.* By E. BENJAMIN ANDREWS. (New York: Charles Scribner's Sons. 1896. Two vols., pp. xxiii, 395; xxii, 439.)

PRESIDENT ANDREWS, in these two sumptuous volumes, must perforce give every reader a vivid impression of the picturesqueness and variety of the events that the annals-writer finds ready at hand for inclusion in a narrative history of the United States since the close of the civil war. This past quarter-century of American life has witnessed a marvellous economic expansion. The economic conquest of our western empire had, indeed, begun before the war, and its processes had forced to a test the issues that the war decided. But the war itself, despite its prodigal sacrifice of economic resources, developed a volume of potential energy that,—given a sufficiently large outlet,—could but compensate the loss many times over. The continent was forthwith crossed and recrossed with numerous lines of railways. Two or three millions of young men who had been disciplined and trained in the school of war had come forth with ambition and efficiency tenfold increased. The war had been destructive of men, also, but it had not lasted long enough to exhaust the vitality of the nation. On the contrary it had acted as a magical tonic. The triumph of the Union, with the enactment of the homestead law and the accessibility of the public lands by reason of the construction of the network of trans-Mississippi railways, had, in turn, acted most powerfully upon the imagination of the artisan and peasant classes in Europe. The Western states established immigration bureaus, and vied with the railway and steamship companies in promoting the transfer of population from Germany, Scandinavia and other European countries to the new states and territories of our West. The Franco-Prussian war and the increasing rigors of the military régime in Europe accelerated the movement that enlisted mighty fleets in transporting millions of people to our side of the Atlantic. Most of these new comers brought with them a certain degree of industrial skill and some capital. Such a period of migration seemed to the dominant party an auspicious time for

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forcing, by discriminative tariffs, a rapid development of American manufacturing interests. Enormous volumes of European capital were borrowed, with which to build American railways, to develop Western agriculture and to assist in the occupation of the desirable American markets by American manufacturers.

At the same time it was inevitable that political conditions should be turbulent. The readjustment of the South must in any case have made some chapters of instructive political history, even if the race question had not survived the war in changed forms. The party which had prosecuted the war must, in the very philosophy and logic of the case, have held too strenuous a subsequent course, making reaction inevitable. The re-alignments of party, therefore, must have involved an interesting process which would claim due attention from the historian. Moreover, the political as well as the economic problems of the new commonwealths of the West must have been a noteworthy factor in contemporary history-making.

For the serious student of history, therefore, the test which such a work as that of President Andrews must meet is the adequacy with which it recognizes the essential factors of the period under discussion, and the faithfulness and accuracy with which it presents the significant facts in their due relationship and proportion. A picturesque grouping of incidents the author has certainly given us. His materials were brought together primarily for publication in serial form in a popular magazine; and events and circumstances were so grouped as to give each succeeding monthly paper its due quota of dramatic episodes. Of the liveliness, variety and high colors of the pattern one should have no need to complain, if the web itself were of firm and consistent texture. But when tested with reference to its fundamental qualities the work seems disappointing. President Andrews gives us, in his second volume, for example, a spirited description, heightened in effect by the numerous accompanying pictures, of the "boomers" who settled Oklahoma in a day. But one searches the volumes in vain for any presentation whatever of the national land policy, and the colossal progress of events under that policy, which constitute the most important history-making factor of the quarter-century under discussion. Nor is there any account given, except by incidental references, of the immigration movement which has brought into this country since the civil war almost fifteen million people, who, with their children, now constitute probably one-third of our total population. Such a *Volkswanderung* has hardly a parallel in the history of Aryan migrations. The significance of all this is primary and fundamental in a rightly proportioned study of the recent history of the United States. Yet this supreme factor is assumed rather than discussed by President Andrews, who nevertheless finds space to devote some pages to the "Coxey army" march, an incident that obviously gives a good opportunity for the illustrator. And whereas one finds no account of the allotment of public lands to millions of families who have in this quarter-century erected new farming commonwealths, made themselves a dominant factor in the world's food supply, and thus profoundly affected agrarian conditions in

every part of Europe as well as in India, in Australia and in South America, one finds a number of pages devoted to the explanation in detail of the beginnings of our system of allotting lands in severalty to the red Indians.

Since President Andrews' narrative deals preëminently with American politics, and since in American politics the struggle for administrative reform belongs so essentially to the main movement of our recent history, one is disappointed to find this movement for civil service reform in its broad bearings so subordinately treated. Another of the great themes that the philosophical historian must discuss when this period is viewed from a distance great enough to allow proper perspective, must be the unprecedented rise and amalgamation of capital, and the relation of amalgamated capital to government as regards for instance the protective tariff, the land-grant railways, the anti-monopoly and anti-corporation movements in the Western states, the rise of Populism and its dominance in a number of commonwealths in the West, the relationship of various quasi-public corporations to municipal government, and the general attitude of public opinion and of law-making bodies towards trusts and industrial combinations. To those cases where capital has come into sensational collision with labor, as in the great Pittsburg strike riots and the more recent Chicago railway strikes, President Andrews gives much space, and the artists supply an abundance of pictures. But the remarkable absorption since the war of nearly all the best talent of the country in private enterprises, and the accumulation of wealth at the expense of the real dominance and dignity of government, a condition so essentially characteristic of the period since the war, Mr. Andrews does not treat with the lucid presentment one might hope to discover in his volumes. The Tweed episode in New York, the Kearney riots in San Francisco, the Cincinnati riots of 1884, and like disorders in other towns, are recalled in pages of graphic descriptive writing, with much attention to the personal and dramatic details. But the larger story of municipal life and progress in the past quarter-century is not told in these pages. The beginnings of the Woman's Christian Temperance Union in southern Ohio and its novel incidents are recounted in details that seem to us trivial; while the prohibition movement as embodied in the constitutions and statutes of a number of states is wholly ignored.

It is not then in the more serious sense a history of the past quarter-century that we find in these volumes, but rather a recital of stirring incidents and events which illustrate the movement of these recent times. Mr. Andrews' style is terse, forcible and graphic. There is not a diffuse page in either volume, nor a dull line. In a work devoted so largely to an account of individual men and their public actions, President Andrews has held a rare balance of judgment and has shown good temper and due reserve. He has used the utmost care to state controverted questions fairly, and to do justice to the motives of men whose attitudes and actions evidently do not accord with his own views. It would be nothing less than justice to President Andrews to explain that he was,

clearly enough, not attempting a philosophical survey of the history-making factors of the period. Otherwise, for example, so distinguished an educator would not have failed to give a large space to the progress of American schools and universities. For surely in a well-proportioned history, the progress of education would deserve as much consideration as the World's Fair ; yet the remarkable advances of our educational life and the important bearing of school and university upon public opinion and social ideals have no part in the history ; while the Columbian exhibition at Chicago, particularly its architectural features, claims more space than any other subject in the two volumes, with the possible exception of the negro question in the South.

With all its shortcomings, President Andrews has given us a bold, rapid and electrically vivid narrative. It can be most advantageously used, perhaps, in connection with a study of our social and political life based, for example, upon the second volume of Mr. Bryce's *American Commonwealth*. Whereas Mr. Bryce reviews our institutions as he found them on various inspections throughout the same period covered by Mr. Andrews, his use of incidents and personalities is always kept subordinate to his description and analysis of general conditions. Mr. Andrews, on the other hand, almost wholly subordinates general considerations and gives us a series of concrete pictures, the men and the scenes in his panorama advancing in the chronological order, so far as conditions of dramatic grouping will permit. To many readers, such a narrative as this, when once presented, seems an extremely simple and easy performance that almost any writer could achieve, with the help of the annual cyclopedia, a file of *Harper's Weekly*, and a moderate assortment of newspaper clippings. Nothing could be further from the truth. The difficulty of selection is great ; and the power to present dramatically the incidents which illustrate in a representative sense the course of public affairs, is a gift that few men possess. Mr. Andrews has blazed a path through an immeasurable wilderness of materials ; and future travellers will find his "trail" useful and valuable to them at many points.

It is just to add, moreover, that there belongs to President Andrews' work one quality of its own that would give it value far above that of any merely diligent compiler and clear narrator who might attempt to weave a like narrative with the aid of the annual cyclopedias and the newspaper files. This superior quality, it is almost needless to remark, is that which President Andrews supplies in his capacity as a contemporary observer. He is himself at once a scholar and a man of action, a political reformer, a keen discerner of the signs of the times, a participant in the movements of the day no less than a student and on-looker. He is a representative of the best-trained and most disinterested element of the American citizenship of the period which he discusses. Everything described in these volumes has happened within the period of his own personal recollection, and has, of necessity, made at the very moment of its occurrence a strong impression upon his mind and judgment. President Andrews has endeavored with much apparent success to eliminate the



personal equation. But after all he could only tell of events as he saw them, in the light of his own training and preconceptions. Its very lack of controversial tone will in the end make his work the more valuable for its point of view. Its omissions, no less than the matters which it comprises, and those which it particularly emphasizes, will have significance fifty years hence as helping to show how history seemed unfolding before the eyes of an intelligent and disinterested American who was in the prime of his active life in the turbulent period of high dynamics that followed the civil war. As compared with Mr. Justin McCarthy's method in his *History of Our Own Times*, President Andrews' narrative is less elaborate and less ambitious, whether from the philosophical or the literary standpoint; but the American work is more tense, vital and dramatic. It is by no means to be dismissed as a work of small importance. On the contrary it is both a remarkable and a creditable exploit. The average citizen will read it with avidity, and the student will find it most convenient by reason of its rapid and consecutive survey of a period so recent that hitherto there has been no attempt to mark it off with historical guide-posts.

ALBERT SHAW

*The Story of Canada.* By J. G. BOURINOT, LL. D., Clerk of the Canadian House of Commons. [The Story of the Nations.] (New York: G. P. Putnam's Sons. 1896. Pp. xx, 463.)

THIS volume is on the whole no discredit to the *Story of the Nations* series. The author has had his work conditioned for him very largely, and his critics are precluded from scrutiny along some of the main lines of historical requirement. The book will probably increase Dr. Bourinot's reputation as a ready popularizer; he can hardly expect it to add to his claim as an historical student. No addition is made in it to our knowledge or to our insight; beyond some well-used citations from the early French explorers, but slight evidence of independent research is presented either in text or footnote. As a popular statement, however, the book will be useful. The secondary authorities have been industriously used, the arrangement is fairly good, the illustrations are well selected, the style is in the main easy and direct, the tone moderate and just.

The distribution of this narrative is however frequently ill-advised. Two-thirds of the historical portion carries us only to 1760; a disproportion due mainly to the fact that the first fifty pages barely cover a period to which the voluminous Kingsford gives only twenty. Chapter VII., which sketches the Acadia of 1614-77 in about the same space as had in Chapter V. been devoted to the period 1604-14, is mainly occupied with unimportant details of the unimportant struggles between Charnizay and La Tour. Eighteen pages are devoted to Indian tribal conditions, while only eleven are assigned to a description (necessarily most superficial) of the social and institutional characteristics of Canada throughout its whole life as a French royal province (1663-1759). Entirely too much space,



relatively speaking, seems given to a conventional statement of the activities of the French beyond the limits of Canada proper ; while the meagre five pages that are given to the important and obscure years, 1792-1812, are explained but not justified by the statement that this period "does not require any extended space in this work" (p. 309). Finally it seems to the present reviewer a fundamental defect to stop the book historically with the Confederation of 1867. This the author explains by saying, "It is not proposed to enter into the conflicts of political parties or to review those dominion and provincial questions which make up the politics of Canada" (p. 406). While granting the wisdom of this abstention, it might be suggested that these things do not exhaust Canadian history since confederation. A generation has passed since that event ; have its energies been entirely absorbed in political squabbles ? Dr. Bourinot should further have remembered that it might possibly be held that "the development of the Canadian people as a nation," which he asserts as his main theme (p. 408), is to be sought for, if anywhere, since confederation rather than before ; that in regard to national life proper the Canadian provinces before confederation occupy much the same position as do the thirteen original colonies before the Revolutionary War.

It is doubtless difficult to avoid giving wrong impressions in a book of this kind and size ; such a wrong impression will most certainly be given the average reader by the curious reference (p. 194) to the Jesuits and the Indian brandy trade. That the statement (p. 89) in regard to the treaty of St. Germain-en-Laye (viz., that Charles I., on account of the grant of Acadia to Sir William Alexander, "delayed the negotiations for peace by every possible subterfuge"), is mistaken is shown by the official correspondence on the subject (*Calendar of State Papers, Colonial*, 1574-1660. Also, *Report on Canadian Archives*, 1884, pp. xi-xiv, lx-lxii) ; Mr. Brymner seems justified in saying rather that "Every effort was made, but in vain, to shake the King's resolution" to restore Quebec and Acadia. The treatment of the expulsion of the Acadians (p. 231-6) is praiseworthy for its temperate tone ; it cannot, however, be commended as otherwise satisfying. The assertion that Lawrence acted "no doubt at the instigation of Shirley and the authorities of New England" seems to be entirely unwarranted ; the conclusion that "The responsibility must rest mainly on Gov. Lawrence, and not on the imperial government, who never formally authorized the expatriation," is extremely weak if not shift. How little the imperial authorities could have been taken by surprise is shown by the fact that more than a year before (in August, 1754) Lawrence had recommended the measure to the Lords of Trade, with the remark that he would not think of adopting it without their approbation. A reference to the *Calendar* of Nova Scotia state papers (*Report on Canadian Archives*, 1894, pp. 206-13) will show that this approbation was expressed by the Board clearly enough after the event, if not before ; their Lordships going even to the extent of expressing regret that the expulsion had not been more thorough (March 27, 1757). Further, when

on November 26, 1755, the Lords of Trade sent to the War Office the letter of the previous October 18th in which Lawrence had announced the expulsion, they at the same moment recommended his promotion to be captain-general and governor-in-chief of the province; a mark of unequivocal approbation which became a governmental one when, on the December 22d following, his commission to these offices was ratified by the ministry. The candid historian will hardly look for more "formal" approbation than these facts imply.

On minor points there is no space to linger further, and I pass to a fault of a more vital character. The *Story of the Nations* series undertakes, in the words of its prospectus, "to enter into the real life of the people and to bring them before the reader as they actually lived, labored and struggled." Viewed from this standpoint the present volume is woefully defective. The Canadian *people* do not figure in any adequate way in these pages. We learn here practically nothing as to their origin, characteristics or development. For the sketches of modern conditions which make up Chapters 28 and 29 are a poor substitute for that steady light upon popular development toward which modern historical scholarship strives. It is perhaps scarcely fair to expect from our author work for which no sufficient monographic basis has yet been laid; but yet enough has been done to have enabled Dr. Bourinot to show something of the real growth of the main elements of the people, their racial and historical equipment, their special environments, their social and economic development. Here was an opportunity (even in a *Story* series) for the man who really understood the depth and breadth of the national current, its composition, its direction, its velocity; unfortunately it was a task for which our author's training, tastes and environment did not fit him. We have here in consequence a volume which, though with distinct merits in its class, is after all of but limited and temporary value.

VICTOR COFFIN.

*A Handbook of Greek Constitutional History*, by A. H. J. Greenidge. (New York: The Macmillan Co. 1896. Pp. viii, 276.) The purpose of the author is "to give in a brief narrative form the main outlines of development of Greek Public Law, to represent the different types of states in the order of their development, and to pay more attention to the working than to the mere structure of constitutions." The plan and scope of the work as thus stated are admirable; and especially commendable is the inclusion of a chapter on federal governments. But the defects of the treatise as it stands are so serious as to impair greatly its usefulness. The language is often awkward and obscure, and the arrangement of words faulty. The work contains some wrong or at least ambiguous uses of words, some obvious misstatements of fact, and a multitude of inconsistencies. Indeed, the point of view so constantly shifts that the reader is justified in concluding that the author does not know his own mind. But more to be regretted than awkwardness and

inconsistency is the fact that the author has no correct conception of Greek constitutional development. By his own arbitrary treatment he creates a situation which he cannot explain, and then calls it miraculous. His use of sources is uncritical. In general any source is good enough for him, provided it is Greek; but in his treatment of Chapters I.-IV. of Aristotle's *Αθηναίων Πολιτεία* he goes to absurd lengths of scepticism. Chapter V. is, in his opinion, a "prophetic anticipation of the political refinements of a later age." In the same sentence it is a "political forgery" of the fifth century, and a few pages later the author draws material from it for his reconstruction of the Solonian Constitution! The author's interpretation of sources is superficial. He has a careless and happy way of reaching conclusions not at all warranted by the passage on which he relies,—he says "we are told," when in reality we are not told. Many illustrations of the faults here mentioned might be given, but space forbids. There are reasons why the constitutional history of Greece should be studied in this country, but the subject will not commend itself to the American teacher through the shipshod, inaccurate and perverted treatment which it has recently been receiving in England. In order to make his work equal to the best that is being done in the same field in Germany, the author should study better historical methods of research, more careful interpretation of sources, and greater clearness and consistency in the presentation of results.

G. W. B.

Of *The History of P. Cornelius Tacitus*, translated into English with an introduction and notes, critical and explanatory, by Albert William Quill, M. A., (London, John Murray and Longmans, pp. lxxii, 171, xlix, 290); the second volume, completing the work of which the first volume appeared in 1892, is now before us. The task undertaken by Mr. Quill was not an easy one and yet the result of his conscientious study does credit to English scholarship. Both volumes contain elaborate introductions and extended notes which show not simply a thorough acquaintance with the latest literature upon the subject, but also independent views on many important passages. This is not a work of genius like Munro's *Lucretius*. While Mr. Munro has admirably reproduced both the force and the grandeur of the poet, Mr. Quill has succeeded far better in catching the nervous energy and vigor of the historian than in reproducing his noble dignity and elevation of style. In striving to preserve the vigor of Tacitus the translator often lowers the tone and lessens the dignity of the original. He renders *exosculari* "beslaving" (I, 45) and *volgus improvidum* "a crowd of boobies" (III, 20). In other cases he introduces figures which are inappropriate, as when he translates *pretium* "quarry" (III, 31), or such as are foreign to the Roman mind, as *bellum secuta* "followed . . . the Romance of War." Though the second volume displays a riper scholarship and a calmer judgment than the first, it does not differ essentially in its tone or general views. The author seems still to hold to the indefensible theory that the style of Tacitus is not the reflection of the age modified by his own individuality,

but that it is rather the result of his deliberate choice as an artist in word-painting, uninfluenced by the prevailing tastes of the times.

Of the three volumes issued by the Navy Records Society during the year 1896, the *Journal of Rear-Admiral Bartholomew James, 1752-1828*, (pp. xxvi, 402), edited by Professor J. K. Laughton, has a certain interest for students of American history because James had a part, as a young officer, in the naval operations attendant on the American war. His journal comprises notes especially on naval movements around New York at the time of the battle of Long Island, and a much fuller account of movements in the Chesapeake and its rivers at the time of Arnold's expedition, and of the siege of Yorktown, in which James had a part both on sea and on land. But the journal, truth to say, contains no new information of importance on any of these episodes. Its interest lies simply in its picture of naval life under the conditions then prevailing. The same is true, indeed, of the rest of the narrative. Cruises and captivity in the West Indies, merchant service in the interval between the war which ended in 1783 and that which began in 1793, various services from that date to 1798, chiefly in the Mediterranean, and concluding with the adventurous cruise of *El Corso*, are related in a sprightly and entertaining manner, but without much positive addition to our knowledge of any other matters than life in the old navy. The introduction and notes are meagre. Of much more importance is the second volume issued by the Society (pp. lxxxiii, 419), containing John Hollond's *Two Discourses of the Navy*, 1638 and 1659, together with a treatise of the same title written in 1660 by Sir Robert Slyngesbie. Hollond was a naval official who had had fourteen years' experience in the admiralty when he wrote his first discourse, and twice as many at the time when he gave his final revision to the second. In especial he was, from the beginning of 1649 to the end of 1652, one of the five commissioners of the navy, the most important of the official bodies concerned with the administration of the navy during those years. Hollond was an able and intelligent official as well as an experienced one, and honest in the main, though not so free from the taint of corruption as one should be who writes two treatises on the admiralty business abounding in harsh censure of the peculations committed by others. The two discourses are, nevertheless, highly interesting and important to the student of naval administration under Charles I. and the Commonwealth. The second, which was (finally) addressed to James, Duke of York, Lord High Admiral, is of especial value, being more extensive and systematic than the first and better written, and also relating to a period of naval administration marked by success and by naval glory to a greater extent than any preceding time. Sir Robert Slyngesbie's tract is of less consequence, but forms a useful complement to those of Hollond, since its author, who, at the Restoration, was made comptroller of the navy, was a gentleman, a naval officer and a constant Royalist, while Hollond was a plebeian, a civilian and (during the time of the Commonwealth) a Commonwealth-

man. The volume is admirably edited by Mr. J. R. Tanner, fellow and historical lecturer at St. John's College, Cambridge. His learned notes give all needed help in the understanding of treatises somewhat technical, and his introduction, beside full accounts of the lives and characters of the two authors, presents an interesting survey of the other leading tracts written in criticism of the naval administration of England in the first half of the seventeenth century. The Society's third volume is edited by Mr. M. Oppenheim, whose *History of the Administration of the Royal Navy* may be expected to be noticed in our next number. The volume before us, entitled *Naval Accounts and Inventories of the Reign of Henry VII.* (pp. lvi, 349), presents two bodies of accounts from the State Papers. One deals with the money received between 1485 and 1488 by Thomas Roger, then clerk of the ships, and his disbursements for the equipment of ships, their safe keeping in harbor, the payments for hired vessels, the administrative expenses of the office, and inventories of ships' tackle and gear; with this is given an account of the field train, ammunition and other ordnance stores, shipped to the north in 1497 for the use of the Earl of Surrey's army against James IV. The other set of accounts comprises those of Robert Brygandyne, clerk of the ships from 1495 to 1497, a period marked especially by the construction, at Portsmouth, of the first dry-dock in England, perhaps the first in modern Europe. Mr. Oppenheim, in his introduction, briefly summarizes the history of naval administration from Henry V. to Henry VII.

No. 5 of the *Publications* of the American Jewish Historical Society sustains the high standard set by the Society's earlier publications. The volume (pp. 234) opens with an account of the last annual meeting. Professor Morris Jastrow, jr., presents a collection of documents relating to the career of Colonel Isaac Franks, of the Revolutionary army, while Mr. A. S. W. Rosenbach illustrates, in a similar manner, the actions of Major David S. Franks while aide-de-camp to General Benedict Arnold. Dr. M. Kayserling, of Buda-Pesth, sends a brief essay on Rabbi Isaac Aboab, of Amsterdam and Pernambuco, the first Jewish author in America. But the most important papers are those of Dr. Herbert Friedenwald on materials for the history of the Jews in the British West Indies, with appendixes giving laws and other documents, and of Mr. Max J. Kohler on the Jews and the anti-slavery movement.

After 1745 Prince Charles Edward Stuart ceases to be a person of real historical importance, but he does not cease to be an object of interest. For a long term of years subsequent to his expulsion from France in 1748, moreover, his life has presented an additional element of interest because of the mystery in which his movements were, and have remained, concealed. Mr. Andrew Lang, in his *Pickle the Spy, or the Incognito of Prince Charles* (Longmans, 1897, pp. 342) seems to have dispelled this mystery. By the aid of the Stuart papers at Windsor Castle and of documents from British and Continental archives he has, with much art, laid bare in great

part the life of the prince during these years, a sorry existence, full of small manoeuvres, shabby expedients and unsavory companionships. While his father in Rome knew not where he was, and the British ministry were entertained with startling tales of romantic knight-errantry, the ex-hero was lurking (1749-1752) in secret chambers adjoining the rooms of too-devoted ladies in a fashionable convent in Paris. But the most remarkable part of Mr. Lang's book, and that which gives it its title, is his exposition of the career of a spy who, from 1752 on, revealed all Charles's secret movements and plans to Henry Pelham, brother of the Duke of Newcastle and prime minister of Great Britain. This spy, who wrote under the name of Pickle, is pretty conclusively proved by Mr. Lang to have been no less a person than Alexander Macdonnell of Glengarry, one of the most prominent and most trusted of the Highland chieftains. From 1752 to his death in 1761 his letters to Pelham are frequent and minute, and they are preserved among the manuscript treasures of the British Museum. He, with some aid from other spies and informers, saved England from another invasion; and he supplies us with a curious and unedifying picture of the surroundings and the degenerating character of Charles. One of the most surprising things about the whole matter is that Glengarry was in 1754 denounced to the prince as a traitor by the widow of Archibald Cameron, Lochiel's brother, whom Pickle had brought to his death. But, many as were the friends, more or less faithful, whom Charles successively cast off, his confidence in Glengarry was never shaken.

Mrs. Elizabeth W. Latimer's *Italy in the Nineteenth Century and the Making of Austro-Hungary and Germany* (Chicago, McClurg, pp. 436) hardly deserves mention here, for it does not properly belong among histories. It is one of those books which the specialist can read without harm, because he will have knowledge enough to detect the many errors; but the general reader, seeking for exact statement, had better let it alone. Mrs. Latimer has no sense of proportion, nor of the interplay of cause and effect. She gossips; she tries to improve on reality by exaggerating; she is satisfied with blurred half- or quarter-truths. Although her book is filled with generous extracts from many sources, she never cites the place and rarely the volume from which she takes. Often she does not even mention the author; so that you are left to decide, if you can, whether the witness she appeals to is a reliable authority or merely a newspaper. On opening her book at random, any page will bear out these strictures. Take p. 101 for instance. She says that for ten years Cavour's "family were glad to have him live out of Italy." The inference is that his family encouraged his absence from Turin. The fact is that he never lived out of Italy for ten years, nor even for a whole year consecutively. Between 1835 and 1844 he made several trips to France, usually on business connected with the estate of his aunt, the Duchess of Clermont-Tonnerre, and two to England. A few lines lower down Mrs. Latimer says that Cavour devoted himself to journalism in 1846; the fact is that the king granted freedom to the press only in October, 1847, and



that Cavour's newspaper, *Il Risorgimento*, did not appear until December 15, 1847. In the next line Mrs. Latimer states that in 1834 "he wrote to a friend that he hoped nevertheless some day to gratify all his ambitions, for in his dreams he saw himself Minister of Italy." The letter to which she refers was written October 2, 1832, and she has distorted its meaning; for in it Cavour gives as an example of his self-confidence, his having felt that he had talents adequate for the highest political office; but he adds that this was but a youthful dream, and that he realized that the conditions in which he was placed made it ridiculous for him to entertain it. The last paragraph in this same page, 101, contains an apocryphal speech of Charles Albert to Massimo d'Azeglio; it would have been easy to have quoted D'Azeglio's authentic description, since his book is one of the best known among all modern Italian books, and was long ago translated into English. We think that from this specimen page readers will be able to judge for themselves whether Mrs. Latimer writes history. We wish that she would refrain from making such illiterate blunders as Austro-Hungary.

The *Annual Report of the American Historical Association for the year 1895* is a formidable volume of 1247 pages. The last 570 pages consist of Mr. A. P. C. Griffin's useful bibliography of the publications of the American historical societies, reprinted with additions and revision from the annual reports of the Association in 1890 and 1892. He has ignored Vol. V. of the Association's own *Papers* (p. 679). The publication of this matter in a separate volume would have been more convenient for readers; yet, by the use of thin paper, the present volume has been made fairly manageable. Besides the Secretary's report and the inaugural address of Senator Hoar, President of the Association, on Popular Discontent with Representative Government, twenty-five papers are printed. It must be said that several of these papers are upon unimportant subjects; several bear traces of immaturity or are otherwise inadequate. Yet the volume as a whole makes a large and interesting contribution to historical knowledge. We shall especially instance Mr. Talcott Williams's careful investigation of the surroundings and site of Raleigh's colony, Gen. James Grant Wilson's edition of the recently discovered manuscript of Arent Van Curler's journal of his expedition into the Mohawk country in 1634 and 1635, Dr. B. C. Steiner's paper on the electoral college for the Senate of Maryland and the nineteen Van Buren electors, Dr. S. B. Weeks's extensive study of the libraries, public and private, and of the literature of North Carolina anterior to 1800, Mr. Martin I. J. Griffin's paper on Commodore John Barry, Professor Charles L. Wells's discussion of Napoleon's Concordat of 1801 with Pope Pius VII., Professor H. L. Osgood's essay toward a new classification of colonial governments, and Gen. Edward McCrady's study of slavery in the province of South Carolina, 1670 to 1770.

*The Scotch-Irish in America: Proceedings and Addresses of the Seventh Congress*, published by order of the Society (Nashville, Barbee and Smith,



pp. ix, 396) contains a record of the transactions at Lexington, Va., June 20-23, 1895, together with the text of the more important of the addresses made before the gathering. Of these several are historical. There is an account of the Scotch-Irish of the Valley of Virginia, by Hon. Joseph A. Waddell, of Staunton; a paper on the Mecklenburg Declaration of Independence, by Dr. George W. Graham; one on the battle of King's Mountain, by Rev. Dr. J. H. Bryson; one on George Rogers Clark, by Helm Bruce; and other biographical sketches of persons who were, or who were not, Scotch-Irish. None of these papers contain anything new, save that on the Mecklenburg Declaration. In this, some new arguments are advanced, and a few new facts, taken from the Draper Collection at Madison. But until what Dr. Draper collected on this matter shall have been fully made known, even those who think the subject important will be content to suspend judgment.

Miss Alice Brown's *Mercy Warren*, the last issue in the series of "Women of Colonial and Revolutionary Times" (Scribner, pp. 312), is an interesting and well-written book, in spite of the unpromising subject. Mrs. Mercy Warren was a remarkable and valuable woman, but heavy and priggish, and "unco' fond o' preachin'." The experiment of devoting a book to her was a doubtful one, for nearly all that is of interest and relates to her personally and directly is the surviving matter relating to her *History of the Revolution*, and the best of this is already in print. There is so little material relating to her life down to the beginning of the Revolution that one is obliged to fill in with "we may imagine that she was" or "I like to think of her as" doing thus and so. Those chapters which are obliged to consist almost wholly of background are executed with much intelligence and after careful reading. For the later periods, Miss Brown has been favored with abundant opportunities to read Mrs. Warren's letters. But these, while numerous and extensive, are so verbose and so conventional in phraseology that they do not help a biographer as much as they ought.

Hon. William A. Courtenay, ex-mayor of Charleston, S. C., who took part with the Washington Light Infantry of that city in the Cowpens celebration of 1856 and was chairman of the committee which arranged that of 1881, has printed an illustrated pamphlet of 137 pages on the *Proceedings at the Unveiling of the Battle Monument at Spartanburg*, upon the latter occasion. The occasion was more than usually memorable, because Mr. Courtenay and his committee secured the coöperation in it of all the old thirteen states, so that it completed, in a sense, that happy progress toward post-bellum reunion which had been marked by the appearance of the Washington Light Infantry at Bunker Hill in 1875 and at Philadelphia in 1876. The pamphlet contains General Wade Hampton's oration, and other historical matter, relating to the occasion, to the battle of Cowpens, and to General Daniel Morgan and other commanders.

*A History of Political Parties in the United States*, by J. P. Gordy, Ph.D., Professor of Pedagogy in Ohio University. In three volumes. Vol. I. (Athens, Ohio: Ohio Publishing Co., pp. 512.) Mr. Gordy has begun a useful work. His plan is to write a history of American political parties, with such detail as will put the essential facts in the possession of teachers who have not had the benefit of the higher education and who have not access to extensive libraries. The present volume covers the period from the formation of the Constitution to the end of Jefferson's second term. It is in thirty-six chapters, each with sub-heads and with a series of questions at the end. The treatment is careful and exact. There is sufficient quotation from original sources to illustrate the author's conclusions, and the general attitude is that of a fair and just judge of men and ideas. Many beside teachers might read the book with interest and profit.

The style is at times rather labored, and, especially in the first fifty or sixty pages, is decidedly careless. The following sentence will illustrate (p. 13): "The love of the Union, which seventy-five years later had become a passion that men were willing to die for, hardly existed then." The short chapters break up the book too much, and the pedagogical material in the shape of questions is of doubtful value. At least they might have been gathered into a series of topics at the end. As the volume appears by itself it might have an index, and it really deserves better paper and binding.

*Naval Actions of the War of 1812*, by James Barnes, (Harper). The author, in his preface, tells us that "it is not the intention to instruct that has caused him to compile and collate the material used in the following pages. I have been influenced by my own feelings;" and he desires, apparently, by the recitation of the naval deeds of our ancestors, to excite similar feelings of national pride in his fellow-countrymen of to-day.

Of instruction in any ordinary sense, by which the particular features of the various actions are readily understood, by either the layman or the professional man, there is therefore little to be found. Of falling spars and shattered timbers, with the accompanying bloodshed, there is abundant mention; and the result naturally is to produce an impression of much hard fighting, valiantly done, in which success for the most part remained with the Americans. Such gallant conduct and such results are unquestionably fit subject for national congratulation.

The book is handsomely printed and profusely illustrated. In its principal object it may possess interest for those heretofore unfamiliar with the brilliant story of the American navy in 1812. As a contribution to naval history, in the strict sense of the word, it is of little value; but that does not appear to have been the aim of the author.

A. T. MAHAN.

The late Rev. Henry W. Foote published in 1881 the first volume of his *Annals of King's Chapel*, Boston. When he died in 1889 he had written

a part of the second volume, and had made large collections of material for the remainder. The task of editing this second volume was entrusted to Mr. Henry H. Edes, who has acquitted himself of the charge in a manner entirely admirable. The present volume (Little, Brown and Co., pp. 690) is a highly valuable contribution to the local history of Boston. It begins with the induction of the last royalist rector, Henry Caner, in 1747. Mr. Foote had completed his narrative of the years from that date to about the time of the Stamp Act troubles. From portions left incomplete, or from Mr. Foote's notes and his own extensive stores of local historical knowledge, Mr. Edes has constructed chapters on the history of the church during the Episcopal or Mayhew controversy, the Revolution, the transition to Unitarianism, and the ministries of James Freeman, Samuel Cary, Francis W. P. Greenwood, Ephraim Peabody and Henry W. Foote. Many interesting documents are printed, and many biographical sketches of eminent persons who were members of the church or congregation. The history of the venerable building is of course not neglected. The illustrations are of high order. Appendices give lists of ministers, other officers and proprietors. The arduous work of the editor has been performed with great discretion and delicacy.

Mr. Irving B. Richman, Consul-General to Switzerland, whose little book on Appenzell we lately noticed, has gathered into a small volume a half-dozen unpretending essays in the history of Iowa and the neighboring regions. The book is called *John Brown among the Quakers and other Sketches*, and is published by the Historical Department of the State of Iowa (Des Moines, pp. 235). The essay which gives title to the volume deals with an episode in John Brown's life, his sojourn in Iowa from August, 1857, to April, 1858, and from February to March, 1859, first at Tabor and afterward at Springdale. From local sources Mr. Richman has obtained the materials for an interesting narration of this episode, of which little was known before. The letters and other data here first published cast light on the character of Brown's companions and on his relations to them at a time when his final expedition was already resolved upon, and exhibit impressively their spirit and motives. An essay on Nauvoo and the Prophet deals with the present aspects of that town and with its history as, for a brief period, the capital of the Mormon organization. The other studies in the book are of episodes in the history of the early relations of the white man to the Indian in or near Iowa, and are less interesting.

Professor George M. Wrong, of the University of Toronto, has inaugurated a publication sure to be of great value to all students of Canadian history, an annual *Review of Historical Publications relating to Canada*. The first volume (Toronto, William Briggs, pp. 190), devoted to the publications of the year 1896, naturally includes also some of the more important issues of the year 1895. Some forty volumes relating to Canadian history, published in Canada, the United States,

France and Great Britain, are reviewed in notices averaging three or four pages in length, usually in such a manner as to give the reader a clear notion of their contents and merits. The reviews are signed or unsigned, at the option of the writers. Those which are signed bear the names of some of the best-known historical scholars of the Dominion. Some forty minor notices follow. The book has an index, and is well made and well printed. It is intended to issue the volume reviewing the publications of the present year in January, 1898.

Lieutenant A. S. Rowan, U. S. A., and Professor M. M. Ramsey, of Columbian University, Washington, have coöperated in the production of a little book entitled *The Island of Cuba*, the former writing the first part, concerned chiefly with the physical geography of the island, the latter the sections of historical, political and commercial matter (New York, Henry Holt, pp. x, 279). The historical portions, with which alone we have to do, are plainly the work of an amateur, and are far from presenting an adequate account of the history of the colony. But the narrative is clear and intelligible, and the temper is eminently fair in respect to recent events and present conditions,—so fair as to constitute a recommendation of the book outweighing much of its slightness and insufficiency.

## NOTES AND NEWS.

General Francis A. Walker, President of the Massachusetts Institute of Technology, died suddenly in Boston on January 5, at the age of fifty-six. He was famous chiefly as a statistician and an economist, as the head of an important educational institution, and as a citizen of high character, unwearied public spirit and most engaging personal traits. But history may also claim him in part. His *History of the Second Army Corps* (1886) had a high importance, derived from his position as adjutant-general of that corps and from his powers of luminous exposition; and his *Making of the Nation* (1895), a brief account of our history from 1783 to 1817, was marked by unusual insight and originality.

The Count de Mas-Latrie died in Paris on January 5, aged eighty-one. He was eminent chiefly for works in the field of the Crusades and as a leading figure in the Société de l'Orient Latin. His leading works were a history of Cyprus, a treatise on commercial relations in North Africa in mediæval times, and his *Trésor de Chronologie*.

Horatio Hale, philologist and ethnologist, died in Ontario on December 28, aged seventy-nine. He was eminent as a student of Indian languages and antiquities, especially those of the Huron-Iroquois stock. His translation of the *Iroquois Book of Rites* appeared in 1883.

Sir Travers Twiss, Q. C., formerly professor of international law in King's College, London, whose book on the *Oregon Question* (1846) connects him with American affairs, and who edited for the Rolls Series the *Black Book of the Admiralty* (1874), died in London on January 15, aged eighty-seven.

Alexander Brückner, professor of history at St. Petersburg, Odessa and Dorpat from 1861 to 1891, and author of many works in Russian history, died at Jena on November 16.

The *Revue Historique* has published a *Quatrième Table Générale*, comprising an index to its contents for the years 1891 to 1895, inclusive (Paris, Félix Alcan, pp. 106). It contains an alphabetical index of authors, a systematic or subject-list of articles, an index to the documents and other classes of the contents of the review, an index of all the books noticed at length or briefly in the five years, an index of the necrologies, and finally a general subject-index.

A new edition (the fifth) of Spruner and Bretschneider's *Historischer Wand-Atlas*, consisting of ten maps relating to the same periods as in the previous editions, has been brought out by Perthes, of Gotha.

The eleventh number of *Bibliographica* contains an article by Sir E. Maunde Thompson on calligraphy in the Middle Ages, and one by Mr. F. Madan on the Thomason collection of Civil War tracts in the British Museum.

**ANCIENT HISTORY.**

Dr. S. A. Binion's *Ancient Egypt or Mizraim*, long in preparation, is now announced as published, in an elaborate edition, with many plates, in two volumes, at the price of eighty dollars (New York, H. G. Allen and Co.).

Dr. Wilhelm Larfeld's *Jahresbericht über die griechische Epigraphik für 1888-1894* (Berlin, S. Calvary, pp. 371, a supplementary volume of Bursian's *Jahresbericht*) is now completed, and may be separately obtained.

Volume VIII. of *Harvard Studies in Classical Philology* contains a historical article by Dr. G. W. Botsford on the Trial of the Alcmaeonidæ and the Cleisthenian Constitutional Reforms.

F. A. Perthes, of Gotha, announces the publication of *Die Pentakontaetie*, by Professor Georg Busolt, of Kiel.

The second volume of the *Griechische Geschichte* of Professor Julius Beloch, of Rome (Strassburg, K. J. Trübner, pp. 713), extends to the time of Aristotle and of the conquest of Asia.

The last volume published by the Fürstlich Jablonowski'sche Gesellschaft of Leipzig is a book by Erich Ziebarth on *Das Griechische Vereinswesen* (Leipzig, S. Hirzel, pp. 224).

Messrs. B. G. Teubner, of Leipzig, announce the publication of H. Peter's *Die geschichtliche Litteratur der römischen Kaiserzeit*.

Messrs. Petersen, Domaszewski and Calderini have published, through the house of F. Bruckmann in Munich, their elaborate work, *Die Marcus-Säule auf Piazza Colonna in Rom*. It consists of 127 pages of text and 128 plates. The price is 300 marks.

Noteworthy articles in periodicals: L. van der Kindere, *Le Socialisme dans la Grèce Antique* (Revue de l'Université de Bruxelles, I. 2); Petersen, *Neue archäologische Entdeckungen in Italien* (Mittheilungen des k. deutschen archäologischen Instituts, Röm., XI. 2); Soltau, *Der Ursprung der Annales Maximi* (Philologus, LV. 2); A. Schulten, *Der römische Kolonat* (Historische Zeitschrift, LXXVIII. 1).

**EARLY CHURCH HISTORY.**

Messrs. Roberts Brothers, of Boston, have brought out the second volume of their translation of Harnack's *History of Dogma*, translated by Neil Buchanan (pp. 380).

**MEDIÆVAL HISTORY.**

The Historical and Antiquarian Society of Basel continue their *Studien und Quellen zur Geschichte des Concils von Basel* by a second volume containing notes of the proceedings of the council, 1431-1433, from the *Manuale* of the notary Bruneti and from a Roman manuscript. The volume is edited by Dr. Johannes Haller (Basel, R. Reich, pp. 645).

Upon the occasion of M. Gabriel Monod's appointment as president of the historical and philological section of the École des Hautes Études, his former pupils have united in the production of a volume of *Études a' Histoire du Moyen Age* (Paris, Félix Alcan, pp. 463), with a copper-plate portrait of M. Monod. Among the papers contributed are one by M. Imbart de la Tour on the immunities with respect to trade granted to churches, from the seventh to the ninth centuries; one by M. Émile Bourgeois on the assembly of Quierzy-sur-Oise; one by M. Ch. Bémont on Hugues de Clers and the *De Senescalcia Franciæ*; one by M. Abel Lefranc on Guibert de Nogent's treatise on relics and the beginnings of historical criticism in the Middle Ages; one by M. Auguste Molinier on the *Grandes Chroniques de France* in the thirteenth century; one by M. F. Funck-Brentano on the peers of France at the end of the thirteenth century; one by M. H. Pirenne on the sources of the *Chronique de Flandre*; and one by M. C. Petit-Dutaillis on popular preaching, the Lollards and the insurrection of the English laborers in 1381.

Signor Lelio Ottolenghi, in his treatise *Della Dignità Imperiale di Carlo Magno* (Padua, Drucker, pp. 134), studies the history of the events which led to the coronation of Charlemagne, and especially the history of the latter's policy in Italy.

Fathers Blume and Dreves continue their contributions to mediæval hymnology, *Analecta Hymnica Medii Ævi*, by two volumes (Leipzig, O. P. Reisland, pp. 288, 291) numbered XXIV. and XXV., and entitled *Historiæ Rhythmicæ; Liturgische Reimofficien des Mittelalters*, 4, 5.

An interesting volume on *The Geography of the Middle Ages*, by C. Raymond Beazley, is announced by the Macmillan Co. It will pay especial attention to the contributions made by pilgrims.

Professor E. P. Evans has elaborated an interesting and curious subject in his book on *The Criminal Prosecution of Animals in the Middle Ages* (London, Heinemann).

It is announced that a book on human sacrifice among the Sephardim or Eastern Jews, found among the papers of the late Sir Richard Burton, will shortly be published.

Under the comprehensive title of *The Pre-Reformation Period*, the historical department of the University of Pennsylvania publishes, in its *Translations and Reprints from the Original Sources of European History*, a variety of documents relating to heresy, the inquisition, the relations of church and state, and the Council of Constance.

Professor J. B. Bury, of Trinity College, Dublin, intends to bring out an extensive series of texts of Byzantine historians, including not only Greek texts, but English translations of Oriental chronicles.

#### MODERN EUROPEAN HISTORY.

Under the general editorial care of Lord Acton, Regius Professor of Modern History in the University of Cambridge, the University Press



will bring out, in twelve volumes of about 700 pages each, the *Cambridge Modern History*, covering the period from the end of the Middle Ages to the present day. It is expected that the first volume, dealing with the Renaissance, will be published in two or three years from the present time, to be followed by two volumes in each successive year. The plan of the work is coöperative. Among those who are announced as engaged to coöperate are Mr. James Bryce, Professor J. B. Bury, Dr. W. Cunningham, Professor Fairbairn, Professor Flint, Mr. Frederic Harrison, Mr. R. H. Hutton, Professor Jebb, Mr. Lecky, Mr. Sidney Lee, Mr. John Morley, Mr. C. Oman, Mr. E. J. Payne, Sir Frederick Pollock, Professor Prothero, Dr. Sidgwick and Lord Wolseley.

Mr. George Haven Putnam's *Books and Their Makers During the Middle Ages*, Vol. II., extends from 1500 to 1709, and contains chapters on the earlier printer-publishers of France, on Caxton, the Kobergers, Froben, Erasmus, Plantin and the Elzevirs; and on censorship of the press and the beginnings of the modern ideas of literary property.

Under the title *Briefe aus Rom*, Hofrath von Sichel has begun, in the proceedings of the philosophical-historical section of the Vienna Academy, a series of communications from the less known portions of the secret archives of the Vatican. He begins with papers relating to the Council of Trent and at the same time to the papal archive-system.

In the *Archivio della R. Società Romana di Storia Patria*, XIX. 3-4, Alessandro Ferrajoli publishes a bull which was drawn up by Julius II., and is referred to by Guicciardini, but which seems to have been unseen until discovered in the Vatican archives by Signor Ferrajoli, deposing Francis I., and transferring his crown to Henry VIII.

Noteworthy articles in periodicals: E. Armstrong, *Alberoni and the Quadruple Alliance* (Scottish Review, January); A. T. Mahan, *Nelson in the Battle of the Nile* (Century, January); A. T. Mahan, *The Battle of Copenhagen* (Century, February); A. T. Mahan, *Nelson at Trafalgar* (Century, March).

#### GREAT BRITAIN AND IRELAND.

The latest volume of the Historical Manuscripts Commission, *Fifteenth Report, Appendix, Part II.* (pp. 409), presents a calendar of the manuscripts of J. Eliot Hodgkin, F.S.A. The collection is highly miscellaneous. Among the most interesting items are a group of letters relating to Charles II. in exile; drafts of the letters of Sir Bernard Gascoigne, diplomatist under that monarch; a collection of letters to and from Samuel Pepys; letters of and to the first Earl of Danby, showing his relations with Ralph Montagu and with France in a memorable episode in 1678 (letters which Danby garbled when he printed them in 1710); papers of the Duke of Ormonde casting light on his actions under the restraining orders imposed upon him when commander-in-chief in Flanders; letters relating to the Old Pretender and to the Chevalier d'Eon, and papers

relating to the Mohocks and Hawkubites of London in 1711 and 1712. Only two or three pieces have any relation to America.

The British government has published *English Army Lists and Commission Registers*, Vol. III., 1689-1690, edited by C. Dalton; *Calendar of Entries in the Papal Registers relating to Great Britain and Ireland: Petitions to the Pope*, Vol. I., 1342-1419, edited by W. H. Bliss; *Year-books of the Reign of Edward the Third*, Year XVI., Part I., edited by L. O. Pike; *Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII.*, Vol. XV.; *Acts of the Privy Council of England*, Vol. XIV. (1586-1587), edited by J. R. Dasent; and the *Red Book of the Exchequer*, 3 vols., edited by Hubert Hall.

In Vol. XLIX. of the *Dictionary of National Biography* (Rob-Rus) the most interesting articles to the student of general history are those on John Robinson, by Rev. Alexander Gordon; on Rodney, by Professor J. K. Laughton; on Sir Thomas Roe, by Stanley Lane-Poole; on Prince Rupert, by Mr. C. H. Firth; on Earl Russell, by Mr. Fraser Rae; and on Lord William Russell, by Principal Ward.

Teachers of English history at Bryn Mawr College, Cornell and Johns Hopkins Universities, and the Universities of Chicago, Iowa, Michigan, Pennsylvania, Toronto and Wisconsin have united for the purpose of indexing and calendaring the current periodical literature of English history. About fifty periodicals are comprehended in this scheme—English, American, French, German and Italian.

The January number of the *Revue des Questions Historiques* contains a summary review of recent publications in English history, by M. Alfred Spont.

The council of the Somerset Record Society has issued a circular in which an appeal is made for help to enable it to carry on its work. The annual subscription is one guinea, and one volume a year has hitherto been published. Thus far ten volumes have been issued, containing much valuable material relative to mediæval history. A considerable increase of the number of members is needed. The editorial secretary is the Rev. Prebendary Holmes, Wells, Somerset.

Vol. IX. of the *Camden Miscellany* contains a series of visitations of churches belonging to St. Paul's Cathedral, 1249-1252; a collection of interesting letters from the bishops to the privy council in 1564; a series of documents relating to Strafford, 1620-1640, etc.

The Oxford Historical Society has brought out the second volume of the *Cartulary of the Monastery of St. Frideswide*, edited by S. R. Wigram (pp. 488).

No. 62 in Professor Gustav Schmoller's *Staats- und Socialwissenschaftliche Forschungen* is a monograph by Dr. Hans Plehn on *Der politische Charakter von Matheus Parisiensis; ein Beitrag zur Geschichte der englischen Verfassung und des Ständetums im 13. Jahrhundert* (Leipzig, Duncker und Humblot, pp. xiv, 136).

The Macmillan Co. have now published *The Life and Miracles of St. William of Norwich* by Thomas of Monmouth, now first edited by Dr. Augustus Jessopp and Dr. Montague R. James (pp. lxviii, 303).

A volume of considerable interest to the student of history as well as to the student of Shakespere has been prepared by Mr. W. G. Boswell-Stone. It is entitled *Shakespere's Holinshed, the Chronicles and the Historical Plays Compared* (Longmans, pp. 532). In this volume the historical plays are compared, scene by scene, with passages chiefly derived from Holinshed's *Chronicles*, supplemented by illustrations taken from other sources. The excerpts from Holinshed are generally accompanied by prefatory words narrating the dramatic action in the dramatic order, and noticing as they occur all important variations of historic chronology and historic facts.

Most prominent of recent books upon the history of India is *Forty-one Years in India: From Subaltern to Commander-in-chief*, by Field Marshal Lord Roberts of Kandahar. This is published in two volumes of about 500 pages each, by Messrs. Longmans, Green and Co.

Noteworthy articles in periodicals: J. H. Round, *The Battle of Hastings* (National Review, January); L. Johnston, *Sources of Anglo-Norman Church History* (Catholic University Bulletin, January); J. Gairdner, *New Lights on the Divorce of Henry VIII.*, III. (English Historical Review, January); S. R. Gardiner, *Plan of Charles I. for the Deliverance of Strafford* (English Historical Review, January); J. R. Tanner, *The Administration of the Navy from the Restoration to the Revolution* (English Historical Review, January).

#### FRANCE.

M. P. Guiraud, the most intimate pupil of Fustel de Coulanges, has published a book upon that distinguished historian (*Fustel de Coulanges*, Paris, Hachette); Fustel is also largely the theme of M. d'Arbois de Jubainville's *Deux Manières d'écrire l'Histoire: Critique de Bossuet, d'Augustin Thierry et de Fustel de Coulanges* (Paris, Bouillon).

An interesting account of the opportunities for historical study in Paris is printed in the *Revue de l'Université de Bruxelles*, I. 9, by E. Lameere, *Les Études Historiques à Paris*.

The classical edition of the Polyptych of Abbot Irminon by Benjamin Guérard having become rare, the Société de l'Histoire de Paris has undertaken the issue of a new edition, now completed by the publication of Vol. II. The text was published in 1886. The present volume contains all the essential and still valid portions of Guérard's prolegomena, with many valuable additions made by the present editor, M. A. Longnon.

M. J. Flammermont has just published, as the eighth volume of the *Archives des Missions* (Paris, Leroux, pp. 628), an elaborate report on the *Correspondance des Agents diplomatiques étrangers en France avant la Révolution*. The volume contains a great amount of fresh information.

M. Maxime de La Rocheterie and the Marquis de Beaucourt have brought out the second volume of their critical edition of the authentic letters of Marie Antoinette, *Lettres de Marie Antoinette* (Paris, Picard, pp. 472).

M. Albert Sorel's *Bonaparte et Hoche en 1797* (Paris, Plon) is a penetrating study of Bonaparte's ideas at the time when he made peace with Austria, showing how largely his future policy was already developed in his mind, and of the ideas of Hoche at the time when he was organizing government on the left bank of the Rhine and preparing for the 18th Fructidor.

The *Recollections of Alexis de Tocqueville*, published in Paris in 1893, have been translated into English by Alexander Teixeira de Mattos, and are published by the Macmillan Co.

Noteworthy articles in periodicals: P. Imbart de la Tour, *Les Paroisses rurales dans l'ancienne France* (*Revue Historique*, January); C. V. Langlois, *Les Travaux sur l'Histoire de la Société Française au Moyen Âge* (*Revue Historique*, March); L. Batiffol, *Le Châtelet de Paris vers 1400*, II., III. (*Revue Historique*, January, March).

#### ITALY, SPAIN, PORTUGAL.

A series of selections from the sources of Italian history, entitled *La Storia d'Italia narrata da Scrittori Contemporanei*, and similar in plan to Zeller's *L'Histoire de France racontée par les Contemporains* and the German *Quellenbücher*, is in process of publication at Venice, under the editorial care of Pietro Orsi.

The January number of the *Revue des Questions Historiques* contains a summary review of recent publications in Italian history, by M. Léon G. Pélissier.

A recent volume by F. Cavazza, *Le Scuole dell' antico Studio Bolognese* (Milan, Hoepli), gives valuable information concerning the internal history of the University of Bologna in the Middle Ages.

Messrs. Ulrico Hoepli, of Milan, have begun the publication of an important work by Italo Raulich, entitled *Storia di Carlo Emanuele I., Duca di Savoia, con documenti degli archivi italiani e stranieri*. Vol. I. covers the years 1580-1588.

The new edition of the *Lex Romana Wisigothorum*, brought out by the Academia de la Historia, is a volume of 439 pages, and is to be obtained of the Libreria Nacional y Extranjera of G. O. Pfeil Schneider.

A *Historia de las Instituciones sociales de la España Goda*, by the late Don Eduardo Pérez Pujol, rector of the University of Valencia, has been published in that city, in four volumes quarto.

The fourteenth volume of the *Historia General de España*, written by members of the Real Academia de Historia, under the direction of Señor Cánovas del Castillo, has appeared. It is the second volume of Señor J. Gómez de Arteche's *Reinado de Carlos IV.*

## GERMANY, AUSTRIA, SWITZERLAND.

Professor Bernhard Erdmannsdörffer, of Heidelberg, has become president of the Historical Commission of Baden, in the place of the late Professor Winkelmann; Professor Engelbert Mühlbacher, President of the Institut für oesterreichischer Geschichtsforschung, in the place of Dr. Heinrich von Zeissberg, now become court librarian.

The government of the kingdom of Saxony has established a historical commission, with an annual subvention of 10,000 marks.

The *Publikationen aus den k. preussischen Staatsarchiven* are continued by the issue of Vols. 66 and 67. The former consists of *Die Protokolle und Relationen des brandenburgischen Geheimen Rathes aus der Zeit des Kurfürsten Friedrich Wilhelm*, edited by Dr. O. Meinardus; the second is the second volume of the political correspondence of the Elector Albert Achilles, edited by Fel. Priebatsch, and extending from 1475 to 1480.

Two new parts of the *Monumenta Germaniae Historica* have appeared one in the series of Latin poets of the Middle Ages, the other in that of the Merovingian historical writers: *Poetae Latini Aevi Carolini*, tom. III., part. II., fasc. II., ed. L. Traube; and *Passiones Vitaeque Sanctorum Aevi Merovingici et antiquiorum aliquot*, ed. Bruno Krusch.

In the series of *Geschichtschreiber der deutschen Vorzeit* the latest translations (71-74) are of Arnold of Lübeck, Albert of Stade, Matthew Paris (extracts), and the Annals of Marbach.

R. Gaertner, of Berlin, announces the publication of *Ausgewählte Urkunden zur brandenburgischen-preussischen Verfassungs- und Verwaltungsgeschichte*, in two volumes, by W. Altmann. The first volume (pp. 246) covers the period from the fifteenth to the eighteenth century inclusive, the second (pp. 316) is exclusively occupied with the nineteenth.

The second issue in the *Historische Bibliothek*, published by the editors of the *Historische Zeitschrift*, is a collection of Samuel Pufendorf's letters to Christian Thomasius (1687-1693), edited by Emil Gagas (Munich, R. Oldenbourg, pp. 78).

The twenty-third volume of the *Politische Correspondenz Friedrich's des Grossen*, edited by the Prussian Academy, has been published (Berlin, A. Duncker, pp. 559).

Dr. Karl Ringhoffer publishes (Leipzig, F. Luckhardt, pp. 443) *Ein Decennium preussischer Orientpolitik zur Zeit des Zaren Nikolaus (1821-1830)*, *Beiträge zur Geschichte der auswärtigen Beziehungen Preussens unter dem Ministerium des Grafen Christian Günther von Bernstorff*, with documents from the state archives at Berlin.

The sixth part of Theodor von Bernhardi's journals, just brought out in Leipzig (*Aus dem Leben Theodor von Bernhards*, VI., S. Hirzel, pp. 338) covers the years 1864-1866.

Dr. Heinrich von Poschinger has begun a new Bismarck series, *Fürst*

*Bismarck und der Bundesrat*, to be completed in four volumes. The first volume (Stuttgart, Deutsche Verlags-Anstalt, pp. 351) is occupied with the Bundesrath of the North German Confederation, 1867-1870.

Messrs. T. Y. Crowell and Co., of Boston, will shortly complete their translation of Sybel's *Founding of the German Empire* by the addition of the last two volumes.

Dr. Wilhelm Heyd has published the second volume of his *Bibliographie der württembergischen Geschichte* (Stuttgart, W. Kohlhammer, pp. 794).

The archivist of the city of Frankfort a. M., Dr. Rudolph Jung, has published, through the historical society of that city, an account of his archives, entitled *Das historische Archiv der Stadt Frankfurt am Main, seine Bestände und seine Geschichte* (Frankfurt, K. Th. Völcker, pp. 297).

The January number of the *Revue Historique* contains a summary review of the historical publications relating to Alsace, brought out during the years 1891-1896, by Rodolphe Reuss.

Under the title *Zwingli-Bibliographie*, Georg Finsler has published a bibliography of the writings of the reformer and also of writings relating to him (Zürich, Orell Fussli, pp. 187).

Professor Charles Borgeaud, of the University of Geneva, who is engaged in an elaborate history of that institution, has printed in the *Revue Internationale de l'Enseignement* a series of articles on *Calvin Fondateur de l'Académie de Genève*.

Noteworthy articles in periodicals: D. Schäfer, *Die Hinrichtung der Sachsen durch Karl den Grossen* (Historische Zeitschrift, LXXVIII. 1); H. Virk, *Die römische Kurie und Deutschland, 1533-1539* (Preussische Jahrbücher, LXXXV. 2, 3); E. D. Warfield, *Philip Melancthon* (Presbyterian and Reformed Review, January); A. Boucher, *Trois Plans de Campagne inédits de M. de Moltke* (Le Correspondant, October 10).

#### NETHERLANDS AND BELGIUM.

A brief article on the archives of the Netherlands, by C. M. Dozy, is printed in the *Revue Internationale des Archives*, I. 8.

Dr. Gisbert Brom has nearly completed the issue of the second volume of his *Bullarium Trajectense; Romanorum Pontificum Diplomata quotquot olim usque ad Urbanum Papam VI., in veterem Episcopatum Trajectensem destinata reperiuntur* (Hague, Martinus Nijhoff).

#### NORTHERN AND EASTERN EUROPE.

A brief article on the archives of Sweden, by Dr. S. Bergh, is printed in the *Revue Internationale des Archives*, I. 8.

A work of importance in the constitutional history of Sweden is Dr. E. Hildebrand's recently published *Svenska Statsförfattningens historiska Utveckling från äldsta tid till våra dagar* (Stockholm, pp. 684).



The Academy of Cracow has published the fifteenth volume of its *Monumenta Medii Aevi Historica res gestas Poloniae illustrantia*, a volume of royal accounts, *Rationes Curiae Vladislai Jagellonis et Hedvigis Regum Poloniae 1388-1420*, edited by Dr. Franc. Piekosinski (pp. 618).

Noteworthy articles in periodicals: T. Schiemann, *Die Thronbesteigung des Zaren Nicolaus I.* (Preussische Jahrbücher, LXXXV. 2); J. G. Whiteley, *The Question of the Dardanelles* (Yale Review, February).

#### AMERICA.

The Macmillan Co. announce the publication of a series of four volumes prepared by Professor Albert Bushnell Hart, of Harvard University, entitled *American History told by Contemporaries*. The series is made up entirely from the original sources of American history, extracts from the contemporary narratives being chosen in such manner as to give a notion of the writer's style and to present a general account of the times from the first voyages to the present day. A practical introduction on the use of such sources, with a bibliography, will be prefixed to each volume. The series is intended chiefly for the use of students. Vol. I., covering the era of colonization (1492 to 1689), may be expected in April.

The prize of one hundred dollars for the best monograph based upon original research in history, a prize established by the American Historical Association in December, 1895, has been awarded for the year 1896 to Professor Herman V. Ames, of Ohio State University, Columbus. His work is entitled "Proposed Amendments to the Constitution of the United States during the first Century of its History." The committee of award consisted of Professors A. C. McLaughlin, M. C. Tyler and J. H. Robinson.

The second volume of the *Report of the Commissioner of Education for the Years 1894-95*, just published (pp. 1153-2314), contains five sections of historical matter, relating respectively to education in the Northwest, 1790-1840; the common schools of New England, 1790-1840; the public schools of the city of Washington, 1805-1885; early educational life in middle Georgia; and education and the Talmud. With the exception of that relating to Washington, these chapters are extremely diffuse and of slight value.

The Peabody Museum of American Archæology and Ethnology has, by statute of Massachusetts and by the act of its trustees, become a part of Harvard University.

Mr. Edward L. Pierce has gathered into a volume, under the title *Enfranchisement and Citizenship: Addresses and Papers* (Boston, Roberts Brothers, pp. 397), a number of his writings, some of which are of historical character. Among the latter are papers on the contrabands at Fortress Monroe, the freedmen at Port Royal, the assault on Fort Wagner, the Free Soilers of 1848 and 1852, and recollections as a source of history.



Dr. G. M. Fisk has published, in Germany, a work on the relations between Germany and the United States, *Die landespolitischen und sonstigen völkerrechtlichen Beziehungen zwischen Deutschland und den Vereinigten Staaten von Amerika*. The book is noted as "a historical-statistical study," and is published by J. G. Cotta, of Stuttgart, in the series of *Münchener Volkswirtschaftliche Studien* (pp. xiv, 254).

Mr. Francis P. Harper, of New York, is the publisher of G. C. Seilhamer's elaborate *History of the American Theatre, 1749-1797*, in three volumes, including a list of the performances of the early companies, casts, summaries of the parts played by the various actors and actresses, advertisements, criticisms, etc.

Messrs. G. P. Putnam's Sons announce the continuation of Prof. Moses Tyler's well-known work on the history of American literature, entitled *The Literary History of the American Revolution, 1763-1783*, of which portions have heretofore appeared in these pages. They will also publish the life and letters of Charles Carroll, of Carrollton, edited by Miss Kate Mason Rowland.

Senate Document No. 40 of the 54th Congress, Second Session, is a memorandum on the methods of recognition of foreign governments and foreign states by the government of the United States from 1789 to 1897, presented by Senator Hale, and prepared by Mr. Andrew H. Allen, Chief of the Bureau of Rolls and Library in the Department of State (pp. 15).

It is announced that Vol. VIII. of the *Studies in History, Economics and Public Law*, issued by the faculty of political science in Columbia University, will contain a monograph on the struggle between President Johnson and Congress over Reconstruction, by Charles Ernest Chadsey, Ph. D.

Episodes in the history of Moravian missionary activity in a part of America are treated in G. Burckhardt's *Die Mission der Brüdergemeine in Grönland*, and in H. G. Schneider's *Die Mission der Brüdergemeine in Alaska*, both announced by F. F. Jansa, of Leipzig.

At the instance of Senator Hoar, the Bishop of London (now Archbishop of Canterbury) has consented to the restoration of the MS. of Bradford's *History of Plimoth Plantation* to the State of Massachusetts.

Mr. Robert T. Swan, Record Commissioner of Massachusetts, has issued his *Ninth Report on the Custody and Condition of the Public Records of Parishes, Towns and Counties*. It presents a detailed statement of the improvements made, with respect to those records, by the several cities and towns since the 1st of January, 1890, and a list of assessors' records found during the year 1896. Since the list which we gave in our first volume, pp. 581-584, additional volumes containing records of Boston, Stoughton, Canton, Lunenburg and Worcester, and of Saco, Maine, have been printed.

The Commonwealth of Massachusetts has now printed Vol. VI. of the

*Acts and Resolves of the Province of Massachusetts Bay* (pp. 245). This volume contains the text of the private acts passed from 1692 to 1780, with a brief preface and with little or no annotation. Vols. VII. and VIII., which make a beginning of the resolves, have already been printed.

The *Essex Antiquarian* (Salem, Mass.) for January begins an alphabetical list of all soldiers and sailors of the Revolution who were noted as of Essex County. In the February number the editor begins a series of extracts, also to be continued, from the records of (old) Norfolk County, an ancient subdivision of the colony, partly conterminous with the present Essex.

*Putnam's Monthly Historical Magazine* for November-December begins the publication of abstracts of all the early deeds recorded in Essex County, Massachusetts.

The History Committee of the Brookline Education Society have printed an admirable little *Guide to the Local History of Brookline, Mass.*, in a little pamphlet of 24 pages, chiefly for the use of school children. It contains an outline of the facts, questions, notes and references. It were to be wished that the children of every town had such a guide.

Messrs. Carpenter and Morehouse, of Amherst, Mass., announce the publication of an elaborate *History of the Town of Amherst* in 928 pages. The plan of the volume is excellent, and it appears likely to form a valuable and intelligent contribution to the history of western Massachusetts.

The Rhode Island Historical Society has issued, as Vol. IX. of its *Collections*, a volume by Mr. Henry C. Dorr, entitled *The Proprietors of Providence and their Controversies with the Freeholders* (pp. 140). The January number of the society's *Publications* contains some documents relating to "the first public library in Rhode Island" (one of Dr. Thomas Bray's) and, apropos of the discussion over the question of the Indian Deed to Roger Williams, a question locally occupying much attention of late, a facsimile of a document involved. In the controversy mentioned, the leading papers published have been by Mr. S. S. Rider and Mr. George T. Paine.

The eleventh volume of the *Early Records of the Town of Providence* contains the records of town meetings from 1692 to 1715. The volume has as frontispiece a portrait of the late Judge G. M. Carpenter, one of the Record Commissioners, and, in the preface, a brief memoir of him by the surviving commissioners.

The second number of the *Bulletin of the New York Public Library* (Astor, Lenox and Tilden foundations) contains a description of the manuscript collections in the Emmet Library, presented to the New York Public Library by Mr. John S. Kennedy; and prints also the New York Oath Rolls of 1753 to 1757, documents prepared to be subscribed by all persons having any office, civil or military, under the King.

The Board of City Record, having in charge the printing of the old

Dutch records of New Amsterdam, have entrusted the editing to Mr. Berthold Fernow. Messrs. G. P. Putnam's Sons will publish the work, in six volumes, with an index-volume. There will be 200 copies for the city and 150 for sale.

A book which should contain some materials of value to searchers in the history of New Netherland is the first volume of the *Livre Synodal, contenant les Articles résolus dans les Synodes des Églises Wallonnes des Pays-Bas*, extending from 1563 to 1685 (Hague, Nijhoff, pp. 844, 54).

The January number of the *Pennsylvania Magazine of History* is chiefly occupied with the continuation of articles already noted. There is also an article on the Blue Anchor Tavern. Mr. Thomas McKean has deposited with the Society the papers of his ancestor, Gov. Thomas McKean, signer of the Declaration of Independence, bound in five volumes.

The January number of the *Virginia Magazine of History* contains a series of interesting letters of Thomas Ludwell relating to the Dutch attacks on the Virginia fleet in Hampton Roads in 1667, a reprint of Rev. Francis Makemie's *Perswasive to Towns and Cohabitation*, from a copy supposed to be unique; several documents from the records of Prince George County; and continuations of the decisions of the Virginia General Court, 1626-1628; of the letters of William Fitzhugh; and of the abstracts of Virginia land patents. In the record of the proceedings of the annual meeting of the Virginia Historical Society, held in December, it is stated that the state of Virginia has agreed to publish "the whole manuscript of the London Company's minutes, now in possession of the Society." This is to be regretted, as what the Society possesses is an imperfect and incorrect transcript of those minutes, of which the originals are no farther away than Washington. The Society has completed a catalogue of its manuscripts.

Information is desired as to the early will-book of King George County, Virginia, which was taken from the clerk's office during the war and some years ago was ascertained to be in New York. A reasonable sum will be paid for its return.

The fifteenth series of the *Johns Hopkins University Studies in History and Political Science* opens with a double number on the history of the tobacco industry in Virginia, from 1860 to 1894, by B. W. Arnold, jr., Ph.D. The subject is treated from the standpoint both of the planter and of the manufacturer, and with attention to economic facts rather than to the technicalities of agriculture or manufacture.

The January number of the *William and Mary College Quarterly Historical Magazine* contains two exceedingly interesting letters of President William Nelson and of Richard Bland, written in 1771, respecting the suggestion of an American episcopate and the action of the House of Burgesses with reference thereto. It also contains some interesting matter by Charles W. Coleman relating to Lord Botetourt and a list of parishes and the ministers in them in the year 1774.

Vol. I., No. 4, of the *Lower Norfolk County Antiquary* contains a list of land- and slave-holders in Princess Anne County in 1776, a continuation of the papers of the Princess Anne County Committee of Safety in 1775, notes on the Lower Norfolk County libraries, and other local materials. An index has been prepared for the first volume, which is now completed.

A contribution to Carolina history, from an unusual quarter, is to be found in the *Neujahrsblatt* of the Historischer Verein des Kantons Bern (Bern, K. J. Wyss). It is a pamphlet of 43 pages with a plan, by Wolfgang Friedrich von Mülinen, and is entitled *Christoph von Graffenried, Landgraf von Carolina, Gründer von Neu-Bern; zumeist nach Familienpapieren und Copien seiner amtlichen Berichte*.

The State of North Carolina has just published Volumes XI., XII. and XIII. of her *State Records*. The records are bound uniformly and numbered continuously with the earlier series of *Colonial Records* (10 volumes), which ends with 1776. The *State Records*, under the editorship of Judge Walter Clark, will come down to January 1, 1790. There will be some eighteen volumes in all. An exhaustive index to both series is in preparation by Dr. Stephen B. Weeks.

The North Carolina Baptist Historical Society has begun the publication of a quarterly journal called *North Carolina Baptist Historical Papers*. The first number appeared in October, 1896. It includes reprints, original papers, notes and comments. The publication committee are Rev. J. D. Hufham, Rev. N. B. Cobb and Thomas M. Pittman. It is published from Henderson, N. C.

Dr. Stephen B. Weeks has reprinted from the twenty-fourth volume of the *Southern Historical Society Papers* an address on the University of North Carolina in the Civil War, which he delivered at the centennial celebration of the opening of that institution in 1895. It is an elaborate and interesting paper.

*George Burrington, with an Account of his official Administrations in the Colony of North Carolina, 1724-1725, 1731-1734*, is the title of a study by Marshall Delancy Haywood of one of the most remarkable characters in the history of that state (Raleigh, Edwards and Broughton, pp. 34).

Ever since the action of the General Assembly of South Carolina, in 1891, in providing for the procurement from London of transcripts of documents relating to the history of South Carolina, General Edward McCrady has been occupied in writing, upon the basis of the large mass of materials thus acquired, and of the other and better known materials, a careful history of South Carolina. It is now announced that the first volume is ready for publication. Public-spirited citizens in the state have subscribed a guarantee fund to insure the publication of this first volume, which will extend from the foundation of the colony down to the overthrow of the rule of the Proprietors in 1719. The introductory chapter

has been printed in pamphlet form as a specimen of the work. So far as one may judge from this introductory chapter, treating of the general characteristics of South Carolina's colonial history and of the earlier and later literature of the subject, General McCrady's book will be marked by such a degree of scholarship, accuracy and historical insight as to make it an invaluable addition to the historical literature of the South. It is to be hoped that subscriptions will be made in sufficient numbers to insure abundantly its pecuniary success.

A new edition of Pickett's now rare *History of Alabama* is announced by James F. Meegan of Atlanta, Georgia.

In a pamphlet of 44 pages Mr. Edward T. Sanford has reprinted from the *Proceedings of the Bar Association of Tennessee* for 1896 an address on the Constitutional Convention of Tennessee of 1796, which offers a good résumé of existing knowledge upon this subject.

The Chicago Historical Society at its January meeting received from Mr. Moses J. Wentworth an invaluable collection of Chicago newspapers bequeathed to him by the late Hon. John Wentworth with discretionary authority to present them to the society. The series consists of fifty volumes of bound newspapers, covering the period from 1835 to 1862, and accompanied by a manuscript index in twenty-one volumes. By this gift, added to the papers already owned, the society becomes possessed of what is practically a complete set of the newspapers of Chicago. Mr. Wentworth's collection was made anew after the destruction of his original set by the fire of 1871.

The annual report of Mr. R. G. Thwaites as secretary of the State Historical Society of Wisconsin, made at the annual meeting in December, notes the year's accessions as 5247 books and 3755 pamphlets. It is expected that the admirable new library building may be occupied in about two years.

No. 10 of the Parkman Club Publications is a brief paper on the Polanders in Wisconsin, by Frank H. Miller.

The Burrows Brothers Co., of Cleveland, announce the publication, under the title *New Light on the Early History of the Greater Northwest*, of the manuscript journals of Alexander Henry the younger, fur trader for the Northwest Fur Co. from 1799 to 1814, and of David Thompson, official surveyor and explorer for the same company. The work is published in three volumes, and is edited by Professor Elliott Coues, who prepared the new editions of Lewis and Clark and of Pike.

A further contribution to the discussion of the question of Radisson and Groseilliers is made by Mr. Charles Moore, of Washington, D. C., in his brief pamphlet *The Discoverers of Lake Superior* (*Publications of the Michigan Political Science Association*, II. 5.)

In the January number of the *Annals of Iowa* the most important matters are the recollections of Judge Francis Springer, president of the Constitutional Convention of 1857; and an article on the history of the Mormons in Iowa, by the Hon. D. C. Bloomer.

We have received from the Hon. T. S. Parvin an address delivered by him at the semi-centennial celebration at Burlington, October 2, 1896, entitled *Who Made Iowa?* an exposition of the work of the early pioneers in the making of the state.

Mr. Edmond Mallet, of the General Land Office at Washington, has printed in the *Bulletin des Recherches Historiques*, III. 3 (published at Lévis, Canada) an article, to be continued hereafter, entitled *Le Sieur de Vincennes, Fondateur de l'Indiana*, in which he endeavors to promote the solution of the question as to Vincennes's identity.

Noteworthy articles in periodicals: B. Mitre, *El Libro de Bernal Diaz del Castillo* (La Biblioteca, Buenos-Aires, October); *The Puritan Settlements in New England* (London Quarterly Review, January); E. J. James, *The First Apportionment of Federal Representatives in the United States* (Annals of the American Academy of Political Science, January); F. N. Thorpe, *A Century's Struggle for the Franchise in America* (Harper's Monthly, January); S. E. Marshall Hardy, *John Marshall* (Green Bag, December); *History of the Sea-Coast Fortifications of the United States* (Journal of the U. S. Artillery, November); *Abraham Lincoln's War Policy* (Quarterly Review, January); *Why the Confederacy Failed* (Century, February).